

# Official Gazette



## REPUBLIC OF THE PHILIPPINES

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## OFFICIAL WEEK IN REVIEW

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**April 16.**—**P**RESIDENT Garcia spent a quiet day this day after a hectic week stumping through Bacolod City and two Iloilo towns Wednesday and Thursday.

He spent the day at his private residence on Bohol Avenue, Quezon City, where he was reported to have received some unidentified political leaders who took up the question of possibly saving the Nacionalista Party from a split.

Earlier in the morning the President and the First Lady heard mass at their private residence in Quezon City.

After the mass the President motored to the Wack Wack Golf and Country Club, where he played golf with Dr. Wigberto Clavecilla, chief of the Malacañang Clinic, retired Chief Justice Ricardo Paras; and Jose Gonzalez, manager of the Wack Wack Golf and Country Club.

From the Wack Wack Golf and Country Club, the President returned to his private residence, where he spent the whole afternoon.

After his siesta the President went over pending state papers which had piled up during his four-day stump of Western Visayas.

**April 17.**—**T**HE PRESIDENT cancelled all his scheduled appointments today and called unidentified Nacionalista leaders to a conference in his private residence in Quezon City.

Those who saw the President take up his political feud with Senate President Eulogio Rodriguez were convinced that the Chief Executive was determined to force a showdown with Amang.

The President was reported ready to meet the NP executive committee meeting this noon, but was told that the session of the 35-ruling body of the administration party had to be deferred to either Wednesday or Thursday.

The Chief Executive was told that the Senate President received his list of delegates last Wednesday and had only a week's time before the executive committee meets to take up the legality of the choice of these delegates.

President Garcia was reported ready to close all the doors towards a rapprochement with the Senate President.

With the President at his Bohol Avenue residence were Sens. Cipriano Primicias and Gil J. Puyat and Speaker Protempore Constancio E. Castañeda.

The President indicated his determination to push through his plan for an early convention, as further delay in the choice of the NP standard bearers was hurting the party.

The Chief Executive found out during his four-day stump of Negros Occidental and Iloilo that the Liberal Party candidates had already started their hand-shaking drive to woo the voters in sugarlandia.

The President finally agreed to the calling of the NP executive committee to a meeting Thursday to give the Senate President time to confer with him by midnight Wednesday.

In the afternoon the President went over pending state papers.

President Garcia appointed today Jesus Iriarte as deputy auditor general, vice Bartolome Fernandez who retired last March 23.

Iriarte, who was manager of the local governments auditing department

until his promotion, is a career man who rose from the ranks with a record of thirty years of service in the government. He entered the government service first as a high school teacher in 1929, later transferring to the then Bureau of Audits as clerk in 1933.

From 1934 Iriarte rose rapidly from tax examiner to senior clerk, chief clerk, assistant city auditor, city auditor, provincial auditor, division auditor for the Visayas and Mindanao, until he became chief of the local governments auditing department.

**April 18.**—**P**RESIDENT Garcia and Senate President Eulogio Rodriguez met in a secret conference at the Manila Hotel's presidential suite this noon.

The witnesses were Speaker Daniel Z. Romualdez, Senators Cipriano Primicias and Decoroso Rosales, and Speaker Protempore Constancio E. Castañeda.

After a three-hour conclave, the President and Senate President Rodriguez agreed on a 6-point pact believed to have laid the basis for a possible rapprochement between them.

Press Secretary Jose C. Nable reported that the meeting between the two NP leaders was "mostly cordial."

Rodriguez was the first to arrive at the Manila Hotel. The Senate President was reported to have gone to the Manila Hotel at 12:40 this afternoon.

Speaker Romualdez and Speaker Protempore Castañeda arrived together with Senators Primicias and Rosales.

President Garcia showed up at 12:50 o'clock. The President and Amang agreed among others to set the NP convention for June 3. They also agreed on a moratorium on political attacks.

Earlier, the President stayed at his private residence in Quezon City, and motored to Malacañang shortly before 12 o'clock to await reports that Rodriguez had arrived at the presidential suite of the Manila Hotel.

After his three-hour conference with the Senate President, President Garcia returned to Malacañang.

The President cancelled all his scheduled appointments this morning to make way for his tryst with his political rival.

**April 19.**—**P**RESIDENT Garcia cancelled the scheduled meeting of his Cabinet this day.

Press Secretary Jose C. Nable said that the President believed that there were no pressing matters to be taken up by his advisory body.

The President, however, received Commerce Secretary Manuel Lim and Labor Secretary Angel Castaño. Castaño reported on the labor dispute in Negros Occidental involving the *sacadas*.

Earlier in the afternoon, the President received the letters of credence of Jun Tsuchiya as the new ambassador of Japan to the Philippines. Tsuchiya replaces Ambassador Morio Yukawa, who was recalled to Tokyo for reassignment after completing his tour of duty of more than three years in the country.

The President expressed optimism that the new Japanese envoy would continue efforts to strengthen the friendly relations between the Philippines and Japan.

Tsuchiya pledged his utmost toward improving the ties between the two countries.

Tsuchiya was honored by a company of the Presidential Guards Battalion before he was ushered into the Malacañang ceremonial hall by Col. Jorge Delarmente, senior aid to the President.

This evening President Garcia received Ambassador Sergio Perez y Perez of Cuba, who bade farewell before leaving for Havana tomorrow.

Ambassador Perez was recalled following the invasion of his country by an organized force set on overthrowing the regime of Premier Fidel Castro.

Ambassador Perez was accredited to the Philippines last March 28, 1960. In bidding the President farewell, the Cuban envoy expressed optimism he would come back.

The President also received a task force leaving on Friday for Isabela to supervise the release of 5,000 hectares of public land.

President Garcia called the task force for briefing. The group was organized recently by Justice Buenaventura Ocampo, chairman of the Presidential Committee on Administration Performance Efficiency.

President at the briefing were Justice Ocampo, PCAPE Vice-Chairman Max Maceren, Susano R. Negado of the National Waterworks and Sewerage Authority, Vicente Marapabol and Alejo Manalang of the Bureau of Forestry, David Eusebio of the Bureau of Lands, Alonso Alindogan of the Board of Liquidators, and Carlos Lacson of the Department of Public Works.

**April 20.—**FOR the third consecutive days President Garcia this day cancelled his appointments, mostly with members of Congress.

Some sources said the President had been conferring with his political advisers and strengthening his position before the June 3 national convention of his party.

He had agreed with Senate President Eulogio Rodriguez to enter his name in the NP convention with Amang for the Presidential nomination.

However, a report that Senate President Rodriguez was preparing his own slate for the coming elections was said to have disturbed the Chief Executive. Up to press time this evening Malacañang was silent on the President's reaction to the report.

Amang was quoted as having given Mayor Arsenio H. Lacson complete freedom to criticize the Administration. Lacson has been identified as among the Senate President's political henchmen.

Malacañang said the President decided to cancel his appointments with callers in order to give him sufficient time to clear the backlog of pending state papers which had piled up. The President was reported to have conferred with Executive Secretary Natalio P. Castillo on the pending state papers. Informed sources said, the President had to sign pending appointments to fill existing vacancies in the government, including those in the judiciary.

President Garcia received Press Secretary Jose C. Nable, who reported on the day's news, especially those quoting the Senate President giving Lacson complete freedom to attack the President.

Among those who were scheduled to see the President today were Sen. Domocao Alonto and Reps. Emilio Cortez, Felix Fuentebella, Jose Leido, Canuto Enerio, Lamberto Macias, Pedro Venida, Manuel Enverga, Vicente Peralta, Fausto Dugenio, Pedro Trono, Tobias Fornier, and Marcelino Veloso.

The President spent the whole day in Malacañang.

President and Mrs. Garcia today sent a message of condolence to the family of Justice Emilio Peña of the Court of Appeals, who succumbed to heart attack in the hospital in Baguio this morning.

**April 21.—**PRESIDENT Garcia today informed members of the Mexican Special Trade and Cultural Mission that his administration is "receptive" to any proposal aimed at increasing trade and better cultural relations between the Philippines and the Republic of Mexico.

The Chief Executive made the statement before the four-man delegation who called at Malacañang this morning to pay their respects to the President.

The Mexican mission composed of Senate President Manuel Moreno Sanchez, head of the mission; Luis Laris, member of the Council of Exterior Services; Guillermo Ramos Uriarte, sub-director of the Department of Commerce and Industry; and Lieutenant Juan Barragan, military aide of the mission, will be here for three days to conduct a commercial and cultural survey of the country.

The mission members were accompanied to Malacañang by Mexican Minister to the Philippines Carlos Gutierrez Macias.

Senate President Sanchez, who is also the head of the Mexican Permanent Commission, handed to the Chief Executive personal letter of His Excellency Adolfo Lopez Mateos, President of the Republic of Mexico, containing the personal greetings of the Mexican Chief Executive.

Earlier the President received Ambassador Cao Thai Bao of Vietnam, Shri Sanka Nath Maitra of India, and Manuel Nieto, Sr., former Philippine Ambassador to Spain.

Ambassador Cao came to bid the President good-bye prior to his departure on Sunday for Vietnam, thence to Bangkok, Thailand, to assume his new post.

The President took the opportunity to congratulate Ambassador Cao for his new assignment and to express the gratitude of the Filipino people as well his own, for Cao's role in promoting better Philippine-Vietnam relations.

Ambassador Maitra also called to pay his respects before leaving for Bohol, where he is expected to make a two-day tour of the province.

During the call of Ambassador Maitra, the President took occasion to point to the Indian diplomat the more interesting places he could see in Bohol, and related to him some historical facts about the province.

The President also offered his residence in Tagbilaran for the use of the ambassador during his stay in the province.

This afternoon President Garcia received the members of the Ysmael basketball team who are leaving tomorrow for Ysrael to represent the Philippines in the Hapoel Festival or Little Olympics.

The President expressed the hope that the Filipino players will acquit themselves with honor and gain added fame for themselves and their country.

The Ysmael players, accompanied by Enrique Crame, were Nicolas Caranceja, Cesar Jota, Manuel Jocson, Clemente Bargas, Serafin Hernaez, Alberto Reynoso, and Cristobal Ramas.

Miguel M. Mendez, president of the Virac Labor Union, accompanied by Reparations Commissioner Juan M. Alberto, also called on the President to pledge the solid support of his group.

**April 22.—****P**RESIDENT Garcia was reported with a bad cold today. Upon the advice of his physicians, the President cancelled his appointments for the day.

The President was scheduled to participate in a so-called "dream game" between members of the Cabinet and the members of the diplomatic corps.

It was a match arranged while the President was cruising home from Bacolod and Iloilo last week.

The President was scheduled to lead the Malacañang team, which incidentally won the match at the Malacañang golf course.

In the evening the President was also scheduled to address the Federation of the PTA of the fourth district of Manila at the Aurora Quezon Elementary School in Malate. Still indisposed until late this afternoon, the President failed to show up at the get-together and induction ceremonies of the federation.

The President stayed at the Palace, where he was confined in his bedroom. Dr. Antonio Guytingco, the presidential physician, attended to the Chief Executive.

Dr. Guytingco said that the President would be able to shake off the cold after the week-end. President Garcia was reported to be slightly feverish on account of his cold.

President Garcia today directed Labor Secretary Angel Castaño to investigate immediately the complaint of Pelagio B. Villegas, Jr., president of the Federation of Democratic Workers of Cebu City, against an alien who owns the Visayan Glass Factory for allegedly not paying the minimum wage to his laborers.

The President gave Secretary Castaño full powers to take the corresponding action against the alien in case the results of the investigation so warrants.

At the same time, Noli Reyes, private secretary of the President, sent a wire to Villegas in the name of the President, informing the labor leader of the action taken.

The President was incensed when he read the complaint of Villegas, published in a metropolitan paper in which the labor leader alleged that the alien was using the name of the President in turning down the petition of the workers for the minimum wage.

Villegas alleged that the alien also used the name of the President to flaunt the authorities in Cebu. It was also alleged that the alien has been using threats to cow his laborers, dismissing some and subjecting others to bodily harm.





## EXECUTIVE ORDERS, PROCLAMATIONS AND ADMINISTRATIVE ORDERS

MALACAÑANG

RESIDENCE OF THE PRESIDENT  
OF THE PHILIPPINES  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 744

DECLARING THE PERIOD FROM MAY 13 TO 19,  
1961, AS PHILIPPINE REALTORS WEEK

WHEREAS, real estate has always been a source and basis of wealth; a haven of existence, peace, and contentment; and a fountain of family and personal happiness;

WHEREAS, the realtor has become an indispensable medium in the wise utilization, proper development, and wide distribution of land; and

WHEREAS, the Philippine Association of Real Estate Boards has been organized to improve and elevate the standards of the real estate business as a cog in the wheel of economic development and progress;

NOW, THEREFORE, I, Carlos P. Garcia, President of the Philippines, do hereby proclaim the period from May 13 to 19, 1961, as Philippine Realtors Week. I call upon all government entities and instrumentalities, as well as all private organizations and individuals concerned with real estate, to join in the proper observance of the week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 6th day of April, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

[SEAL]

CARLOS P. GARCIA  
*President of the Philippines*

NATALIO P. CASTILLO  
*Executive Secretary*

015987

## MALACAÑANG

RESIDENCE OF THE PRESIDENT  
OF THE PHILIPPINES  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

## PROCLAMATION No. 745

## AUTHORIZING THE ELKS CEREBRAL PALSY PROJECT, INC. TO CONDUCT A NATIONAL EDUCATIONAL AND FUND CAMPAIGN DURING THE PERIOD FROM MAY 1 TO JUNE 30, 1961

WHEREAS, some 1,400 babies are born yearly in the Philippines afflicted with cerebral palsy, a condition which impairs and causes partial or complete loss of muscular control, rendering those afflicted with it unable to take care of themselves;

WHEREAS, unless these cerebral-palsied children are given proper occupational and physical therapy, they are liable to grow up as liabilities to society, but if accorded the necessary care, they may be improved to such a degree as to relieve their parents and the community in general of the burden of attending to their needs and they themselves may even become valuable assets to the nation;

WHEREAS, there now exists a dearth of authoritative knowledge concerning the nature and treatment of cerebral palsy and at present only the Elks Cerebral Palsy Clinic, built by the Elks Cerebral Palsy Project, Inc., out of funds solicited during the 1956 and 1957 fund drives, operates in this country for the rehabilitation of the cerebral palsied;

WHEREAS, it is therefore evident that there is an urgent need for an intensive and extensive two-pronged campaign to educate the people on various aspects of cerebral palsy with a view to minimizing, if not totally eliminating, its deleterious effects, and to raise funds for the operation and expansion of present facilities at the Elks Cerebral Palsy Clinic and the purchase of adequate medicine and specialized equipment for the treatment of those afflicted with it;

WHEREAS, the Elks Cerebral Palsy Project, Inc., has initiated such a campaign and should be lauded for undertaking the selfless task of sponsoring a drive to help unfortunate cerebral-palsied individuals, in which campaign it fully deserves the support of the government and the entire nation;

NOW THEREFORE, I, Carlos P. Garcia, President of the Philippines, by virtue of the authority vested in me by law, do hereby authorize the Elks Cerebral Palsy Project, Inc., to conduct a national educational and fund campaign

during the period from May 1 to June 30, 1961. I call upon all citizens and residents of the Philippines, irrespective of race and creed, to support the humanitarian campaign by giving generously of their means to alleviate the miserable plight of these unfortunate individuals afflicted with cerebral palsy. I authorize government officials and employees, including school authorities and teachers, to accept, for the Elks Cerebral Palsy Project, Inc., fund-raising responsibilities and to give it active support and leadership in their respective communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 10th day of April, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

[SEAL]

CARLOS P. GARCIA  
*President of the Philippines*

By the President:

NATALIO P. CASTILLO  
*Executive Secretary*

## REPUBLIC ACTS

Enacted during the Fourth Congress of the Philippines  
Third Session

H. No. 3354

[REPUBLIC ACT No. 2951]

AN ACT APPROVING THE SALE MADE IN FAVOR OF VICENTE JIMENEZ YANSON BY HERNANI J. JIMENEZ OF THE LATTER'S FRANCHISE, GRANTED UNDER REPUBLIC ACT NUMBERED THIRTEEN HUNDRED FIFTY-TWO, TO INSTALL, OPERATE AND MAINTAIN AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE MUNICIPALITY OF LA CARLOTA, PROVINCE OF NEGROS OCCIDENTAL.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Subject to the terms and conditions prescribed in Section fifteen of Act Numbered Thirty-six hundred thirty-six, as amended by Commonwealth Act Numbered One hundred thirty-two, and to the provisions of the Constitution, the sale made in favor of Vicente Jimenez Yanson by Hernani J. Jimenez of the latter's franchise, granted under Republic Act Numbered Thirteen hundred fifty-two, to install, operate and maintain an electric light, heat and power system in the Municipality of La Carlota, Province of Negros Occidental, is approved.

SEC. 2. This Act shall take effect upon its approval.

Enacted without Executive Approval, June 19, 1960.

H. No. 3412

[REPUBLIC ACT No. 2952]

AN ACT TO GRANT THE MAGSINGAL (ILOCOS SUR) FARMERS' COOPERATIVE MARKETING ASSOCIATION, INC., A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT AND POWER SYSTEM IN THE MUNICIPALITY OF MAGSINGAL, PROVINCE OF ILOCOS SUR.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred and thirty-six, as amended by Commonwealth Act Numbered One hundred and thirty-two, and to the provisions of the Constitution, there is granted to the Magsingal (Ilocos Sur) Farmers' Cooperative Marketing Association, Inc., for a period of twenty-five years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system for the purpose of generating and distributing electric light, heat and/or power for sale within the Municipality of Magsingal, Province of Ilocos Sur.



SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender its franchise and shall turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 3556

[REPUBLIC ACT NO. 2953]

AN ACT TO AMEND SECTIONS ONE, THREE AND FOUR OF REPUBLIC ACT NUMBERED EIGHTEEN HUNDRED AND FORTY-THREE, ENTITLED "AN ACT GRANTING AGUINALDO DEVELOPMENT CORPORATION A TEMPORARY PERMIT TO CONSTRUCT, ESTABLISH, MAINTAIN AND OPERATE PRIVATE FIXED POINT-TO-POINT RADIO STATIONS FOR THE RECEPTION AND TRANSMISSION OF RADIO COMMUNICATIONS WITHIN THE PHILIPPINES."

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. Section one of Republic Act Numbered Eighteen hundred and forty-three is hereby amended to read as follows:

"SECTION 1. There is hereby granted to the Aguinaldo Development Corporation, its successors or assigns, a temporary permit to construct, establish, maintain and operate in the Philippines, at such places as the said company may select, subject to the approval of the Secretary of Public Works and Communications, private fixed point-to-point and land based, land mobile, private aeronautical, and private coastal link radio stations for the reception and transmission of wireless messages on radiotelegraphy or radiotelephony, each station to be provided with a radio transmitting apparatus and a radio receiving apparatus."

SEC. 2. Section three of the same Act is hereby amended to read as follows:

SEC. 3. This temporary permit shall continue to be in force during the time that the Government has not established similar service at the places selected by the grantee, and is granted upon the express condition that the same shall be void unless the construction of said stations be begun within two years from the date of approval of

this Act and be completed within three years from said date."

SEC. 3. Section four of the same Act is amended to read as follows:

"SEC. 4. The grantee, its successors or assigns, shall not engage in domestic business of telecommunications in the Philippines without further special assent of the Congress of the Philippines, it being understood that the purpose of this temporary permit is to secure to the grantee the right to construct, establish, maintain and operate private fixed point-to-point and land based, land mobile, private aeronautical, private coastal link radio stations in such places within the Philippines as the interest of the company and of its trade and business may justify."

SEC. 4. No fees shall be charged by the grantee as the radio stations that may be established by virtue of this Act shall engage in communications regarding the grantee's business only.

SEC. 5. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 3590

[REPUBLIC ACT No. 2954]

AN ACT TO GRANT AUGUSTO S. GONZALEZ A  
FRANCHISE FOR AN ELECTRIC LIGHT, HEAT  
AND POWER SYSTEM IN THE MUNICIPALITY  
OF TACURONG, PROVINCE OF COTABATO.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred and thirty-six, as amended by Commonwealth Act Numbered One hundred and thirty-two, and to the provisions of the Constitution, there is granted to Augusto S. Gonzalez, for a period of twenty-five years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system for the purpose of generating and distributing electric light, heat and/or power for sale within the Municipality of Tacurong, Province of Cotabato.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender his franchise and will turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 3761

[REPUBLIC ACT No. 2955]

AN ACT AMENDING REPUBLIC ACT NUMBERED  
TWENTY-THREE HUNDRED FORTY-SIX

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Section one of Republic Act Numbered Twenty-three hundred forty-six is amended to read as follows:

"SECTION 1. The transfer of the franchise granted to the Evening News Publishing Co., Inc., by Republic Act Numbered Thirteen hundred thirty-seven in favor of the Inter-Island Broadcasting Corporation, together with all the rights and privileges of, including any channel and/or frequency assignments and permits that may have been granted to the former, is hereby authorized and approved; and a franchise to construct, operate and maintain radio broadcasting and television stations under the same terms and conditions established in said Act is hereby granted to the Inter-Island Broadcasting Corporation, subject to the condition that such franchise shall be void unless the construction of at least one radio broadcasting station or one television station be begun within two years from the date of approval of this Act."

SEC. 2. The title of the same Act is amended to read as follows:

"An Act authorizing and approving the transfer of the franchise granted to the Evening News Publishing Co., Inc., by Republic Act Numbered Thirteen hundred thirty-seven in favor of the Inter-Island Broadcasting Corporation, granting the latter corporation a franchise to construct, operate and maintain radio broadcasting and television stations."

SEC. 3. This Act shall take effect as of June twenty, nineteen hundred fifty-nine.

Enacted without Executive approval, June 19, 1960.

H. No. 3812

[REPUBLIC ACT No. 2956]

AN ACT GRANTING IMELDA CLARIN ZARRAGA  
A FRANCHISE FOR AN ELECTRIC LIGHT, HEAT  
AND POWER SYSTEM IN THE MUNICIPALITY  
OF LOAY, PROVINCE OF BOHOL.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred and thirty-six, as amended by Commonwealth Act Numbered One hundred and thirty-two, and to the provisions of the Constitution, there is granted to Imelda Clarin Zarraga, for a period of twenty-five years from the approval of this Act, the right, privilege, and authority to construct, maintain, and operate an electric light, heat and power system for the purpose of generating and distributing

electric light, heat, and/or power for sale within the Municipality of Loay, Province of Bohol.

SEC. 2. It is expressly provided that, in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender her franchise and will turn over to the Government all serviceable equipments therein, at cost, less reasonable depreciation.

SEC. 3. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 3837

[REPUBLIC ACT No. 2957]

AN ACT TO GRANT TELEPHONE COMMUNICATION  
SYSTEM FRANCHISE TO JOSE M. F. BELO  
WITHIN THE PROVINCE OF CAPIZ AND ROXAS  
CITY.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Subject to the conditions established in this Act and the provisions of Commonwealth Act Numbered One hundred and forty-six, as amended, and of the Constitution applicable thereto, there is hereby granted to Jose M. F. Belo, hereinafter called the grantee, his successors or assigns, for a period of fifty years from the approval of this Act, the right and privilege to construct, maintain and operate in the Province of Capiz and Roxas City, a telephone system to carry on the business of the electrical transmission of conversations and signals in said province and city. For this purpose, the grantee is hereby authorized to use all streets and public thoroughfares of the province and city for the construction, maintenance and operation of all apparatus, conductors and appliances necessary for the electrical transmission of conversations and signals, to erect poles, string wires, build conduits, lay cables and to construct, maintain and use such other approved and generally accepted means of electrical conduction in, on, over or under the public roads, highways, lands, bridges, streets, lanes and sidewalks of said province and city, and overhead or underground lines or on the surface of the ground as may be necessary and best adapted to said transmission.

SEC. 2. All poles erected and all conduits constructed or used by the grantee shall be located in places designated by the grantee with the approval of the corresponding provincial and city boards: *Provided*, That all poles erected and used by the grantee or his successors or assigns shall be of such appearance as not to disfigure the streets, and the wires and cables carried by said poles and the underground cables shall be strung and laid in accordance with professional standards approved by the Public Service Commission; and said poles shall be of such height as to maintain the wires and cables stretched on the same at a height of at least fifteen feet above the level of the ground, and said wires and cables shall be so placed as not to imperil the public safety, in accordance with a plan ap-

proved by the Public Service Commission: *Provided, further*, That whenever twenty-five or more pairs of wires or other conductors are carried on one line of poles in any place of the poblacion of any municipality within the province or within city limits, said wires or conductors shall be placed in one cable, and whenever more than eight hundred pairs of wires or other conductors are carried on one line of poles, said wires or conductors shall be placed underground by the grantee, his successors or assigns, whenever ordered to do so by the Public Service Commission.

SEC. 3. For the purpose of erecting and placing the poles or other supports of such wires or other conductors or of laying and maintaining underground said wires, cables or other conductors, it shall be lawful for the grantee, his successors or assigns, to make excavations or lay conduits in any of the public places, highways, streets, alleys, lanes, avenues, sidewalks or bridges in the Province of Capiz and Roxas city: *Provided, however*, That any public place, highway, street, alley, lane, avenue, sidewalk or bridge disturbed, altered or changed by reason of the erection of poles or other supports, or the laying underground of wires or other conductors, or of conduits, shall be repaired and restored to the satisfaction of the engineer of the province and city, as the case may be, and removing from the same all rubbish, dirt, refuse, or other material which may have been placed there or taken up in the erection of said poles or the laying of said underground conduits, leaving them in as good condition as they were before the work was done.

SEC. 4. Whenever any person has obtained permission to use any of the streets of any municipality for the purpose of removing any building or in the prosecution of any municipal work or for any other cause whatsoever, making it necessary to raise or remove any of said wires or conduits which may obstruct or hinder the prosecution of said work, the said grantee, upon notice by the city council or provincial board, served upon said grantee at least forty-eight hours in advance, shall raise or remove any of said wires or conduits which may hinder the prosecution of such work or obstruct the removal of said building, so as to allow the free and unobstructed passage of said building and the free and unobstructed prosecution of said work, and the person or entity at whose request the wires or poles or other structures have been removed, shall pay one-half of the actual cost of replacing the poles or raising the wires and other conductors or structures. The notice shall be in the form of a resolution duly adopted by the city council or the provincial board, if outside the limits of the City of Roxas, served upon the grantee or his duly authorized representative or agent by a person competent to testify as witness in a civil action, and in case of refusal or failure of the grantee to comply with such notice, the city mayor with the proper approval of the city council first had, or the Governor with the proper approval of the provincial board, if outside city limits, as the case may be, shall order such wires or conduits to be raised or removed at the expense of the grantee, for the purpose aforesaid.

SEC. 5. All apparatus and appurtenances used by the grantee, his successors or assigns, shall be modern and



first class in every respect, and all telephone lines or installations used, maintained and operated in connection with this franchise by the grantee, his successors or assigns, shall be kept and maintained at all times in a satisfactory manner, so as to render an efficient and adequate telephone service, and it shall be the further duty of said grantee, his successors or assigns, whenever required to do so by the Public Service Commission, to modify, improve and change such telephone system for the electrical transmission of conversations and signals by means of electricity in such manner and to such extent as the progress of science and improvements in the method of electrical transmission of conversations and signals by means of electricity may make reasonable and proper.

SEC. 6. The grantee, his successors or assigns, shall keep a separate account of the gross receipts of his telephone business, and shall furnish the Auditor General and the Treasurer of the Philippines a copy of such account not later than the thirty-first day of January of each year for the twelve months preceding the first day of January.

SEC. 7. The grantee, his successors or assigns, shall be liable to pay the same taxes on his real estate, buildings and personal property, exclusive of this franchise, as other persons or corporations are now or hereafter may be required by law to pay. In addition, the grantee, his successors or assigns, shall pay to the Treasurer of the Philippines each year, within ten days after audit and approval of the accounts as prescribed in Section six of this Act, one *per centum* of all gross receipts of the telephone business transacted under this franchise by the grantee, his successors or assigns, and the said percentage shall be in lieu of all taxes on this franchise or its earnings.

SEC. 8. Within sixty days from the approval of this Act, the grantee shall file with the Public Service Commission his application for a certificate of convenience and public necessity. In case of failure to make said application within the period established, this franchise shall become null and void.

SEC. 9. The grantee shall not commence any construction whatever pursuant to this franchise without first obtaining a certificate of convenience and public necessity from the Public Service Commission of the form and character provided for in Commonwealth Act Numbered One hundred and forty-six, as amended, specifically authorizing such construction. The grantee shall not exercise any right or privilege under this franchise without first having obtained such certificate of convenience and public necessity from the Public Service Commission. The Public Service Commission shall have the power to issue such certificate of convenience and public necessity whenever it shall, after due hearing, determine that such construction or such exercise of the rights and privileges under this franchise is necessary and proper for the public convenience, and the Commission in issuing such certificate shall have the power to impose such conditions as to construction, equipment, maintenance, service or operation as the public convenience and interests may reasonably require, and such certificate shall state the date in which the grantee shall commence construction and the period within which the work shall be completed. In order to avail himself of

the rights granted by such certificate of convenience and public necessity, the grantee shall file with the Public Service Commission, within such period as said Commission shall fix, its written acceptance of the terms and conditions of this franchise and of the certificate, together with the document evidencing the fact that the deposit required in Section ten has been made. In the event that the grantee shall not commence the telephone service referred to in the certificate obtained and filed as herein provided within such period as the Public Service Commission shall have fixed, said Commission may declare said certificate null and void and the deposit made pursuant to Section ten of this Act forfeited to the National Government unless the grantee shall have been prevented from doing so by fortuitous cause or *force majeure*, usurpation by military power, martial law, riot, uprising or other inevitable cause: *Provided, however*, That if the grantee shall have been prevented by any of said causes from commencing the telephone service within the period specified, the time during which it shall have been so presented shall be excluded from said period: *Provided, further*, That failure on the part of the grantee to accept conditions of this franchise and those imposed in the certificate of convenience and public necessity shall automatically void this franchise.

SEC. 10. Upon the written acceptance of the terms and conditions of this franchise, the grantee shall deposit with the Treasurer of the Philippines one thousand pesos, or negotiable bonds of the Government of the Philippines or other securities approved by the Secretary of Public Works and Communications, of the face value of one thousand pesos, as an earnest of good faith in accepting this franchise and a guaranty that, within the period fixed by the Public Service Commission, the Province of Capiz and Roxas City will be served and provided by a telephone communication system consistent with the needs of the province and of the city under reasonable terms and conditions consistent with fair returns for investment as might be decided by the Public Service Commission: *Provided*, That if the deposit is made in money the same shall be deposited at interest in some interest-paying bank approved by the Secretary of Public Works and Communications, all interests accruing and due on such deposit shall be collected by the Treasurer of the Philippines and paid to the grantee, his successors or assigns, on demand: *And provided, further*, That if the deposit made with the Treasurer of the Philippines be in negotiable bonds of the Government of the Philippines or other interest bearing securities approved by the Secretary of Public Works and Communications, the interest on such bonds or securities shall be collected by the Treasurer of the Philippines and paid over to the grantee, his successors or assigns, on demand.

Should the said grantee, his successors or assigns, for any other cause than an act of God, public enemy, usurpation by military power, martial law, riot, civil commotion or inevitable cause, fail, refuse or neglect to begin within twelve months from the date of the granting of said certificate of convenience and public necessity, the business of transmitting messages by telephone or fail, refuse, or neglect to be fully equipped and ready to operate, within twelve months from the date of the

granting of said certificate of convenience and public necessity, the telephone service in the Province of Capiz and Roxas City, as applied for by the grantee according to the terms of this franchise, then the deposit prescribed by this section to be made with the Treasurer of the Philippines whether in money, bonds or other securities, shall become the property of the National Government as liquidated damages caused to such Government by such failure, refusal or neglect, and thereafter no interest on said bonds or other securities deposited shall be paid to the grantee, his successors or assigns. Should the said grantee, his successors or assigns, begin the business of transmitting messages by telephone and be ready to operate according to the terms of this franchise the telephone service in the Province of Capiz and Roxas City, within twelve months from the date of the granting of said certificate of convenience and public necessity, then and in that event the deposit prescribed by this section shall be returned by the National Government to the grantee, his successors or assigns, upon the recommendation of the Public Service Commission, as soon as the telephone service in said province and city applied for by the grantee has been installed in accordance with the terms of this franchise: *Provided, however,* That all the time during which the grantee, his successors or assigns, may be prevented from carrying out the terms and conditions of this franchise by any of said causes shall be excluded in the counting of the period allowed by this franchise for compliance with its provisions.

SEC. 11. The books and accounts of the grantee, his successors or assigns, shall always be open to the inspection of the auditor of the province or his authorized representatives, and it shall be the duty of the grantee to submit to the Auditor General quarterly reports in duplicate showing the gross receipts and the net receipts for the quarter past and the general condition of the business.

SEC. 12. The rights herein granted shall not be exclusive, and the right and power to grant to any corporation, association or person other than the grantee, franchise for telephone or electrical transmission of messages or signals, shall not be impaired or affected by the granting of this franchise: *Provided,* That before any other franchise of the same or similar nature is granted to a subsequent applicant, it must first be shown that the grantee of this franchise is unable, not willing, or negligent in the operation of the rights granted under this franchise: *And provided,* That the poles erected, wires strung or cables or conduits laid by virtue of any franchise for telephone, or other electrical transmission of messages and signals granted subsequent to this franchise shall be so placed as not to impair the efficient and effective transmission of conversation or signals under this franchise by means of poles erected, wires strung, or cables or conduits actually laid and in existence at the time of the granting of said subsequent franchise: *And provided, further,* That the Public Service Commission, after hearing both parties interested, may compel the grantee of this franchise or his successors or assigns, to remove, relocate, or replace its poles, wires or conduits; but in such case the reasonable cost of the removal, relocation or replacement shall be paid by the grantee of the subsequent franchise or his succe-

sors or assigns to the grantee of this franchise or his successors or assigns.

SEC. 13. The grantee, his successors or assigns, shall hold the national, provincial and city governments harmless from all claims, accounts, demands or actions arising out of accidents or injuries, whether to property or to persons, caused by the construction or operation of the telephone or other electrical transmission system of the said grantee, his successors or assigns.

SEC. 14. The rates for the telephone service, flat rates as well as measured rates, shall be subject to the approval of the Public Service Commission.

The monthly rates for telephone having a metallic circuit within the limits of the province or city shall also be approved by the Public Service Commission.

SEC. 15. The grantee shall not, without the approval of the Public Service Commission, directly or indirectly, transfer, sell or assign this franchise to any person, association, company or corporation or other mercantile or legal entity.

SEC. 16. The grantee may install, maintain, operate, purchase or lease such telephone stations, lines, cables or system, as is, or are, convenient or essential to efficiently carry out the purpose of this franchise: *Provided, however,* That the grantee, his successors or assigns, shall not without the permission of the Public Service Commission first had, install, maintain, operate, purchase or lease such stations, lines, cables or systems.

SEC. 17. The Philippine Government shall have the privilege, without compensation, of using the poles of the grantee to attach one ten-pin crossarm, and to install, maintain and operate wires of its telegraph system thereon: *Provided, however,* That the Bureau of Telecommunications shall have the right to place additional crossarms and wires on the poles of the grantee by paying a compensation, the rate of which is to be agreed upon by the Director of Telecommunications and the grantee: *Provided, further,* That in case of disagreement as to rate of contract rental, same shall be fixed by the Public Service Commission.

SEC. 18. It is expressly provided that in the event the Philippine Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender his franchise and will turn over to the Government said system and all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 19. This Act shall take effect upon its approval.

Enacted without Executive approval, June 19, 1960.

H. No. 3864

[REPUBLIC ACT No. 2958]

AN ACT GRANTING THE BATONG-BUHAY GOLD MINES, INC., A TEMPORARY PERMIT TO CONSTRUCT, ESTABLISH, MAINTAIN AND OPERATE PRIVATE FIXED POINT-TO-POINT RADIO STATIONS, PRIVATE COASTAL RADIO STATIONS, PRIVATE LAND BASED AND LAND MOBILE RADIO STATIONS AND AERONAUTICAL STA-

TIONS FOR THE RECEPTION AND TRANSMISSION OF RADIO COMMUNICATIONS WITHIN THE PHILIPPINES.

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. There is hereby granted to the Batong-Buhay Gold Mines, Inc., a temporary permit to construct, establish, maintain and operate private fixed point-to-point radio stations, private coastal radio stations, private land based and land mobile radio stations and private aeronautical stations for the reception and transmission of radio communications within the Philippines.

SEC. 2. The President of the Philippines shall have the power and authority to permit the location of said stations or any of them on the public domain upon such terms as he may prescribe.

SEC. 3. This temporary permit shall continue to be in force during the time that the Government has not established similar services at the places selected by the grantee, and is granted upon the express condition that same shall be void unless the construction of at least one of the said stations be begun within one year from the date of approval of this Act and be completed within two years from said date.

SEC. 4. The grantee shall not engage in domestic business of telecommunications in the Philippines without further special assent of the Congress of the Philippines, it being understood that the purpose of this temporary permit is to secure to the grantee the right to construct, establish, maintain and operate private fixed point-to-point radio stations, private coastal radio stations, private land based and land mobile stations and private aeronautical stations at such places in the Philippines as the interest of the corporation and of its business may justify.

SEC. 5. This temporary permit shall not take effect until the Secretary of Public Works and Communications shall have allotted to the grantee the frequencies and wave lengths to be used thereunder, but the grantee may use the international distress frequencies of five hundred kilocycles and duly authorized high distress frequency whenever necessary.

SEC. 6. No fees shall be chargeable as the radio stations that may be established by virtue of this Act, shall engage in communications regarding the grantee's business only.

SEC. 7. The grantee shall so construct and operate its radio stations as not to interfere with the operation of other radio stations maintained and operated in the Philippines.

SEC. 8. The grantee shall hold the national, provincial and municipal governments of the Philippines harmless from all claims, accounts, demands or actions arising out of accidents or injuries, whether to property or to persons, caused by the construction or operation of its radio stations.

SEC. 9. The grantee shall not lease, transfer, grant the usufruct of, sell or assign this temporary permit, nor the rights or privileges acquired thereunder, to any person, natural or juridical, nor merge with any other such person, without the approval of the Congress of the Philippines first had. Any corporation to which this temporary permit may be sold, transferred or assigned shall be sub-



ject to the corporation laws of the Philippines now existing or hereafter enacted, and any person, natural or juridical, to which this temporary permit is sold, transferred or assigned shall be subject to all conditions, terms, restrictions and limitations of this temporary permit as fully and completely and to same extent as if the temporary permit had been originally granted to the said person.

SEC. 10. A special right is hereby reserved to the President of the Philippines in time of war, rebellion, public peril or other national emergency and when public safety requires, to cause the closing of the grantee's radio station or stations or to authorize the use or possession thereof by any department of the Government without compensation to the grantee for the use of said stations during the continuance of the national emergency.

SEC. 11. This temporary permit shall be subject to amendment, alteration, or repeal by the Congress of the Philippines when the public interest so requires, and shall not be interpreted as an exclusive grant of the privileges herein provided for.

SEC. 12. This Act shall take effect upon its approval.  
Enacted without Executive Approval, June 19, 1960.

H. No. 3866

[REPUBLIC ACT No. 2959]

AN ACT GRANTING PEDRO BANGUG A FRANCHISE  
FOR AN ELECTRIC LIGHT, HEAT AND POWER  
SYSTEM IN THE MUNICIPALITY OF CABAGAN,  
PROVINCE OF ISABELA.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Subject to the terms and conditions established in Act Numbered Thirty-six hundred and thirty-six, as amended by Commonwealth Act Numbered One hundred and thirty-two, and to the provisions of the Constitution, there is granted to Pedro Bangug, for a period of fifty years from the approval of this Act, the right, privilege and authority to construct, maintain and operate an electric light, heat and power system for the purpose of generating and distributing electric light, heat and/or power for sale within the Municipality of Cabagan, Province of Isabela.

SEC. 2. In the event that the grantee shall purchase and secure from the National Power Corporation electric heat and power, the National Power Corporation is hereby authorized to negotiate and transact for the benefit and in behalf of the public consumers with reference to rates.

SEC. 3. It is expressly provided that in the event the Government should desire to maintain and operate for itself the system and enterprise herein authorized, the grantee shall surrender his franchise and turn over to the Government all serviceable equipment therein, at cost, less reasonable depreciation.

SEC. 4. This Act shall take effect upon its approval.  
Enacted without Executive approval, June 19, 1960.

H. No. 3867

[REPUBLIC ACT No. 2960]

AN ACT GRANTING HERMENEGILDO R. ROSALES  
A FRANCHISE TO CONSTRUCT, OPERATE AND  
MAINTAIN AN ICE PLANT IN THE CITY OF  
CALBAYOG, AND TO SELL ICE THEREIN.

*Be it enacted by the Senate and House of Representatives  
of the Philippines in Congress assembled:*

SECTION 1. Subject to the conditions imposed by this Act, there is hereby granted to Hermenegildo R. Rosales, hereinafter referred to as the grantee, a franchise to construct, operate and maintain an ice plant in the City of Calbayog, for the purpose of manufacturing and distributing ice therein and to charge and collect a schedule of prices for the ice so sold, which schedule of prices shall at all times be subject to regulation by the Public Service Commission.

Said grantee shall manufacture and supply ice up to the limit of the capacity of his plant.

SEC. 2. If the grantee does not commence the manufacture and distribution of ice in the City of Calbayog within one year from the approval of this Act, this franchise shall be null and void, unless he was prevented from doing so by an act of God, *force majeure* or any other cause beyond the grantee's control.

SEC. 3. This franchise is granted subject to the provisions of the Constitution, and of Commonwealth Act Numbered One hundred forty-six, as amended, only insofar as rates are concerned.

SEC. 4. The books, records and accounts of the grantee shall be opened to the inspection of the municipal treasurer or his authorized representative, and it shall be the duty of the grantee to submit to the said treasurer quarterly reports in duplicate showing the gross receipts for the preceding quarter, one of which shall be forwarded by the said treasurer to the Auditor General, who shall keep the same on file.

SEC. 5. The grantee, with the approval of the Congress of the Philippines first had, may sell, lease, grant, convey, assign, give in usufruct, or transfer this franchise and all property and rights acquired thereunder to any qualified individual, association or corporation competent to operate the business hereby authorized.

SEC. 6. In the event of any competing individual, association or corporation receiving from the Congress of the Philippines a similar franchise in which there shall be any term or terms more favorable than those herein granted or tending to place the herein grantee at any disadvantage, then such term or terms shall *ipso facto* become a part of the terms hereof and shall operate equally in favor of the grantee as in the case of said competing individual, association of persons, or corporation.

SEC. 7. This Act shall take effect upon its approval.

Enacted without Executive Approval, June 19, 1960.

## DEPARTMENT AND BUREAU ADMINISTRATIVE ORDERS AND REGULATIONS

### Executive Office

PROVINCIAL CIRCULAR  
(Unnumbered)

*March 22, 1961*

#### RIZAL CENTENNIAL PROGRAM FOR APRIL, 1961

*To all Provincial Governors and City Mayors:*

The theme for this coming April in the observance of the Jose Rizal Centennial is "Rizal and Community Development". There is enclosed herewith a copy of the proposed program for said month.

Community development being one of the most important factors for our national progress, it is desired that special emphasis be laid in the observance of the activities for April, 1961.

In view of this, Provincial Governors are hereby requested, as head of their respective provinces, in reiteration of our Provincial Circular (Unnumbered) of November 28, 1960, to extend the neces-

sary cooperation to the Jose Rizal National Centennial Commission in carrying out the program for the said month through urging and assisting municipal and district mayors, and through them, the Barrio Lieutenants and Barrio Council members, to implement in their respective localities the proposed activities in the enclosed program. Similarly, in cities where there are existing barrios, City Mayors, as head of their respective cities, are also requested to extend the same cooperation in carrying out the program through urging and assisting Barrio Lieutenants and Barrio Council members in their respective localities.

In the cities and municipalities where the capital of the province is located, arrangement may be made so that whatever activities therein, that may be decided for the observance of the Jose Rizal Year may be done jointly by the province and city or municipality concerned.

ENRIQUE C. QUEMA  
*Assistant Executive Secretary*

### Department of Agriculture and Natural Resources

#### BUREAU OF FISHERIES

FISHERIES ADMINISTRATIVE ORDER No. 59

*February 8, 1960*

#### ESTABLISHING A GOVERNMENT FARM FOR PEARL CULTURE AND PRODUCTION AND RESERVING THEREFOR A CERTAIN MA- RINE AREA IN SAMAL ISLAND, PROV- INCE OF DAVAO.

1. Pursuant to the provisions of Act Numbered Four Thousand and three, otherwise known as the Fisheries Act, as amended, the marine area hereinbelow described is hereby reserved and set aside as a government farm to be used exclusively for pearl culture and production:

"A marine area adjacent to the western coastline of Samal Island, province of Davao, comprised within the following boundaries: Starting from Pahutan Point and following the general coastline in eastward direction to Peña-plata Coastway; from there, following the coastline in southward direction to Maputian

Point, and from there following a northward imaginary straight line, North 24°00 East, about 11,500 meters to the point of beginning (Pahutan Point); containing an area of 10.46 square miles, more or less."

2. The Director of Fisheries, under whose administration the above-described government farm is hereby placed, may equip, operate and/or maintain it exclusively for pearl culture and production in a manner he may deem proper: Provided, however, that in case there are no available funds and technical personnel to be used in the operation and/or maintenance of said farm, he may recommend to the Secretary of Agriculture and Natural Resources that the privilege to undertake the pearl culture and production in the aforesaid farm, be let under concession to any person, association or corporation qualified under the Fisheries Act to transact business in the Philippines.

3. The granting of concession for pearl culture and production in the government farm, established under this Order, shall be governed by the following rules and regulations:

## RULES AND REGULATIONS

**RULE 1. *Pearl production concession.***—The Secretary of Agriculture and Natural Resources, upon recommendation of the Director of Fisheries, may grant the concession for the establishment and operation of pearl farm for pearl culture and production in the Government farm, to any applicant who is a citizen of the Philippines or the United States, or association or corporation duly registered or incorporated under the laws of the Philippines or of the United States or of any state thereof, and authorized to transact business in the Philippines and that at least sixty per cent of whose capital stock belongs wholly to citizens of the Philippines or of the United States, for a period of twenty years. Renewals may be granted, but the combined periods of the original grant and its renewals shall not exceed fifty years.

It is understood that the rights granted to citizens of the United States and to all forms of business enterprise owned or controlled, directly or indirectly, by citizens of the United States, in the exploration, exploitation, development, or utilization of the pearl farm established under the Administrative Order shall be subject to the provisions of the Ordinance appended to the Constitution in 1947.

It shall be unlawful for any person, association or corporation to engage in pearl culture and/or production on any portion of the government farm without first obtaining a concession therefor granted in accordance with this Order.

The words and terms used in this Order shall be constructed as follows:

"Concession" shall mean the granting of the privilege or the privilege itself of culturing and producing pearls, or the area covered by the concession under this Order.

"Pearl-Farm" shall mean not only the place or area in the concession where pearl is cultured or produced but also the buildings, wharves and other permanent improvements introduced by the concessionaire in the government farm.

"Person" includes association and corporation and their authorized representatives.

"Carrier" includes owners, operators and/or agents of land, air and water transportation.

"Pearl" shall mean the by-product of mollusks composed mostly of calcium carbonate held together by tenuous net-work of organic matter known as conchiolin which is formed through natural process when foreign material called "nucleus" is either incidentally or artificially introduced within the living mollusk.

"Pearl culture" shall mean the process of producing pearls in live mollusk, either in marine or fresh waters, which includes the taking or collecting of young oyster shells, raising, rearing or tending them in farms established and maintained for

the purpose, extraction, grading and classification of pearls taken therefrom, and other acts or business associated with the culture and production of pearls.

**RULE 2. *Application for concession.***—All applications for concession shall be filed in triplicate with the Bureau of Fisheries in the forms to be prescribed therefor by the Director of said bureau, upon payment of an application fee of fifty pesos. Such application, shall contain substantially the following information given under oath:

(a) Full name, age, civil status, citizenship and residence of the applicant, if he is an individual; if association or corporation, the business name under which it is registered and/or incorporated, the names, addresses of its officers, the place where its head or central office is located, and whether it is organized and registered under the laws of the Philippines or the United States of America; a statement of the board of directors authorizing the person who signs the application to file the same in accordance with this Order, and to bind the association or corporation to comply with the requirements of said Order and regulations promulgated thereunder.

(b) Area and location of the place covered by the concession applied for, clearly showing and designating the boundaries thereof in a plan or sketch prepared to the satisfaction of the Director of the Fisheries.

(c) Capital available for investment. In case of association or corporation, it must be stated in the application that at least sixty per cent of its capital stock or interest in said capital stock is owned wholly by citizens of the Philippines or of the United States.

(d) Such other pertinent information as may be required by the Secretary of Agriculture and Natural Resources or the Director of Fisheries.

**RULE 3. *Granting of concession.***—The original and duplicate of the application shall be forwarded by the Director of Fisheries to the Secretary of Agriculture and Natural Resources who, if satisfied of the qualification and responsibility of the applicant and upon proof that the applicant has paid fifty pesos application fee required in this Order, may grant the concession subject to the following conditions:

(a) The concessionaire shall post a bond of five thousand pesos in favor of the Government of the Philippines, to be maintained in force throughout the duration of the concession, as a guaranty of good faith and for the satisfactory compliance with the terms and conditions of the concession and the payment of fees and charges prescribed by this Order and regulations promulgated thereunder.

(b) The concessionaire shall not transfer the concession granted under this Order, except to qualified person, association or corporation, and upon pre-

vious approval of the Secretary of Agriculture and Natural Resources, who shall verify, in such case, whether the person, association or corporation to whom the concession is transferred is really qualified to assume the responsibility of a concessionaire under this Order. Any transfer of concession made against this provision shall be null and void *ab initio*.

(c) The concessionaire shall pay to the Government of the Philippines a yearly concession fee at the rate of not exceeding five hundred pesos per square kilometer covered by the concession, payable in advance or in quarterly installments.

(d) The concessionaire may freely take or gather oysters of any kind from the sea bottom or reefs exclusively for pearl culture and production purposes. Said concessionaire shall not however take or gather or cause or consent to be taken from the said area fish, shells, sponges, and other sea products for commercial purposes.

(e) The concessionaire shall keep complete record of the quantity and quality of culture pearls in his concession.

(f) The area covered by the concession, the buildings and other constructions, apparatuses, machinery, books, and papers pertaining to the operation of said concession, shall be subject to periodical inspections of the Secretary of Agriculture and Natural Resources or the Director of Fisheries, or their respective representatives who shall be provided with written authority wherein shall be stated, among other things, the purpose of the inspection. The concessionaire shall, in such case, give all the necessary facilities to the inspecting officials.

(g) The concessionaire, immediately after the approval of his application, shall mark every corner of the entire area of the concession with properly anchored buoys or other visible and permanent marks or signs which shall be maintained therein throughout the duration of the concession.

(h) The concessionaire shall thoroughly train or cause to be trained at least three (3) Filipinos to be designated by the Bureau of Fisheries, in the techniques of pearl culture and production, including the essential laboratory work on how to cause or provoke the formation of pearl in a living oyster or mollusk by, among other ways, the insertion or putting in of nucleus or nuclei in said living oyster or mollusk. Such trainees, who shall be chosen from among the technicians or qualified employees of the Bureau of Fisheries, shall be entitled to free quarters to be provided by the concessionaire in the compound of the concession during the entire period of training, which shall be one year, renewable for another year in the discretion of the Director of Fisheries.

Non-compliance by the concessionaire of any of the foregoing conditions shall be sufficient cause for the cancellation of the concession, and the

confiscation of the bond posted in accordance with this Order.

**RULE 4. *Privilege to build plant and other constructions.***—The concessionaire shall have the privilege of erecting a plant and other necessary constructions such as landings, houses, corrals, etcetera, on the part of the shore most convenient to the concession for the development and exploitation of his concession, subject to the limitations provided by law for the use of shores.

**RULE 5. *Priority right of the applicants.***—When two or more applications are filed for an unoccupied area of government farm, the first applicant shall have the right of preference thereto, provided that said applicant is qualified to hold the concession applied for under this Order. When two or more applications are filed for an unoccupied area of government farm, the first applicant shall have the right of preference thereto, provided that said applicant is qualified to hold the concession applied for under this Order. When two or more applications are filed at the same time, for the same area, the applicant who can best meet the requirements of this Order and regulations promulgated thereunder shall have the right of preference thereto. The recommendation of the Director of Fisheries shall be taken into consideration in determining who is the applicant best qualified to hold the concession.

**RULE 6. *Termination of the concession.***—Upon the termination of the concession for any cause or reason whatsoever, the concessionaire shall be duty bound to vacate and turn over to the Director of Fisheries the area covered by his concession. In such case, all permanent improvements made therein by the said concessionaire shall automatically become the property of the government.

**RULE 7. *Reports.***—The concessionaire operating under this Order shall submit to the Secretary of Agriculture and Natural Resources, thru the Director of Fisheries, such reports of the operation and progress of his concession as may be required by regulations promulgated in accordance with this Order.

**RULE 8. *Promulgation of additional rules and regulations.***—The Secretary of Agriculture and Natural Resources, upon recommendation of the Director of Fisheries, may promulgate such additional rules and regulations as may be necessary to carry into effect the purposes of this Order.

**RULE 9. *Certificate of release of pearls.***—No pearls produced by any concessionaire shall be shipped, removed or exported from the Philippines unless the same have been inspected by an authorized representative of the Bureau of Fisheries. The inspecting representative of said Bureau shall issue a certificate of release, if he finds that the pearls are properly graded, classified and priced for exportation purposes, in accordance with the existing regulations. The exporter or carrier who exports or carries pearls without the certificate of release here-



in-required shall be held responsible for such violation and shall be penalized in accordance with the provision of Section 83 of the Fisheries Act.

**RULE 10.** The removal of oysters from pearl farms or other areas for the purpose of extracting the pearl therefrom, shall be subject to the same restrictions imposed by Section thirty-six of the Fisheries Act and regulations promulgated thereunder, as far as the minimum size of pearl oysters shells is concerned. Pearl oysters divers and collectors, as well as the boats used for the purpose shall also be subject to the same requirements prescribed by the Fisheries Act, for shell divers and shell-collecting boats.

4. All fees authorized to be collected under this Order and accruing to the National Government shall be paid to the Director of Fisheries.

5. *Penalty.*—Violation of any provision of this Order shall subject the offender to the penalty prescribed by Section 83 of the Fisheries Act, or a fine not exceeding two hundred pesos or imprisonment not exceeding six months or both, in the discretion

of the court. The court, upon request of the Secretary of Agriculture and Natural Resources, may also order the confiscation in favor of the Government of the bond posted by the concessionaire under rule 3 a) of this Order.

6. *Repealing clause.*—All Orders or regulations or parts thereof which are inconsistent with the provisions of this Order, are hereby repealed.

7. *Effectivity.*—This Order shall take effect upon its approval.

JOSE M. TRINIDAD  
*Acting Secretary of Agriculture  
and Natural Resources*

Recommended:

HERACLIO R. MONTALBAN  
*Director of Fisheries*

Approved:

By authority of the President:

NATALIO P. CASTILLO  
*Executive Secretary*

## Commission on Elections

PRESENT: GARCIA, CH. BRILLIANTES,  
M. AND VISARRA, M.

Promulgated: February 21, 1961

### RESOLUTION

CASE No. 368.—*In the matter of the printing, distribution and shipment of official and sample ballots and the printing of all other election forms for the November 14, 1961 election.*

The election forms including the official and sample ballots for the November 14, 1961 election shall be printed by the Bureau of Printing. For purposes of insuring the most efficient way of printing and distributing these forms and the official and sample ballots in due time and to provide for maximum security measures in connection therewith, the Commission pursuant to authority granted it by the Constitution, unanimously resolved to appoint a Committee, hereunder designated, and to ordain the following rules and regulations for the printing of election forms including the official and sample ballots and the distribution and shipment of the official and sample ballots:

I. There is hereby created the "Committee on Printing, Distribution and Shipment of Official and Sample Ballots and Printing of all other Election Forms" to act as the representative of the Commission on Elections, which shall be composed, until further orders, of 5 members who, together with their respective substitutes, shall be appointed by the Commission and chosen as follows:

A. One member to act as chairman to be chosen by the Commission on Elections;

B. One member to be proposed by the Director of the Bureau of Printing;

C. One member to be proposed by the Auditor General; and

D. One member each to be proposed by the Nacionalista Party, the Liberal Party, and such other political party as the Commission may determine.

Each member appointed by the Commission on Elections proposed by the Presidents of the above-mentioned political parties shall receive compensation at the rate of ₱1.00 per hour of actual service rendered, to be paid only from the time the funds appropriated by Congress for this coming November 14, 1961 election becomes available. The members who are already government employees shall be allowed overtime service at ₱1.20 per hour up to 8:00 o'clock in the evening, until further orders. The overtime service shall be rendered as may be needed by the service.

Each person proposed by the Presidents of the political parties shall be thirty years old or over, graduate of any collegiate course, and of good moral reputation, and shall not, during the period of his employment, participate in any partisan political activity.

II. The Director of Printing shall be the deputy of the Commission on Elections, and he is hereby now appointed as such deputy to print election

forms, including official and sample ballots and to distribute and ship official and sample ballots to provincial and city treasurers in accordance with the orders, instructions, and regulations promulgated by the Commission on Elections.

III. The Committee as constituted shall be under the supervision of the Director of Printing and shall comply with all the orders, instructions, and regulations of the Commission on Elections, which shall be given from time to time, on the printing of election forms including official and sample ballots as well as such matters as may be deemed necessary to safeguard and insure the custody of the equipment and materials used in the printing of election forms, including official and sample ballots as well as the distribution and shipment of official and sample ballots.

IV. The printing of election forms including the official and sample ballots and the shipment of said official and sample ballots shall be subject to the following rules and regulations.

1. *The printing of the election forms.*—The aforementioned Committee shall see to it that the printing of the election forms is done efficiently and in accordance with the orders, instructions, and regulations of the Commission on Elections and shall adopt the necessary measures to safeguard and insure the custody of the equipment and materials used in the printing as well as the finished election forms.

2. *The printing of the official and sample ballots.*—The following rules and regulations shall govern:

A. The Director of Printing shall certify to the Commission on Elections that only one pattern plate for the printing of each kind of official and sample ballots ordered by the Commission on Elections for the November 14, 1961 election has been made, and that said pattern plate was made in the presence of the members of the Committee. He shall likewise certify the original number of electroplates made from said pattern plate, to be used in the printing of the aforementioned official and sample ballots, and that said electroplates were made in the presence of the members of the Committee. The Director of Printing shall not, without previous written order of the Commission, make any other type form or mould, electro-type pattern plate, electro-type printing plate or any other plate or screen. In each case where the Commission has authorized the making of additional electro-type printing plates or any other plates, the Director of Printing shall certify to the Commission the number of the additional electro-type printing plates, etc., and likewise certify that the same have been made in the presence of the members of the Committee.

B. The Director of Printing shall, upon consultation with the members of the Committee and upon approval of the Commission, provide for such number of safety rooms as may be necessary within the building of the Bureau of Printing wherein shall be kept the movable type form or mould, the electro-type pattern plate, electro-type printing plates and any other plates, the numbering machines, all other portable paraphernalia that may be used in connection with the printing of official and sample ballots, and the official and sample ballots already printed before they are distributed and shipped to their respective provinces and cities, it being understood that each room provided shall be locked, until further orders, with five padlocks. The political parties represented in the Committee shall provide the padlocks for use of their respective representatives in the Committee.

C. The Committee shall take charge of the rooms mentioned in subparagraph "B" and shall see to it that the said storage rooms shall always remain locked with the five padlocks each and that they shall never be opened except in the presence of the five aforementioned members of the committee, and that each of them will open his respective padlock with the key in his possession; that no official or sample ballot already printed, type form plate, pattern plate, electro-plate, or any other plate, numbering machine, or any portable paraphernalia that may be used in the printing of official and sample ballots shall be removed or brought outside of said storage rooms at any time except in the presence of said five members of the committee and only when the official and sample ballots will be distributed and shipped to the respective provinces and cities and/or when such material will be used during the hours required for the printing of official and sample ballots; and upon the termination of the use of such paraphernalia they shall be returned to their storage room and in the presence of the aforementioned five members or the committee, said storage room shall be locked securely.

D. The Committee shall see to it that no person shall be allowed to enter the above-mentioned storage rooms except with the permission of the Commission on Elections or the Director of Printing and in the presence of all the members of the committee; that in no case shall any member of the committee enter the said storage rooms except in the presence of all the other members of the said committee; and, that no material or article shall be taken from said storage rooms without the knowledge and consent of each of them, which shall be noted in writing.



The Committee shall have a Control Log Book, to be kept in a safe place, in which shall be entered the following:

1. The names and signatures of persons who enter the aforesaid storerooms, together with the date and time of their entry into, and exit from, said storerooms; and
2. The materials or documents taken in, withdrawn or returned to the storerooms; the date and time said materials or documents were taken in, withdrawn or returned; and the names and signatures of the persons taking in, withdrawing, or returning the documents or materials.

E. The Committee shall see to it that in no case shall official and sample ballots be printed in number more than that requisitioned by the Commission on Elections.

F. The official and sample ballots shall be printed as finally approved by the Commission on Elections in accordance with the orders, instructions, and regulations issued by the Commission and such requisitions that shall hereafter be issued by the same for each city, municipality, or municipal district. The official ballots shall be bound in separate books of 100 ballots each book, but a book of 50 ballots may be provided for a precinct if the number of ballots needed for the precinct is such that after allocating books of 100 ballots each, the remaining number of ballots needed does not exceed 50 ballots.

3. *The distribution and shipment of official and sample ballots.*—The Committee shall see to it that the distribution and shipment of all official and sample ballots to all provincial and city treasurers are in accordance with the following rules and regulations:

A. The Bureau of Printing shall ship the official and sample ballots to the provincial and city treasurers. It shall affix on each box containing the official and sample ballots a label containing in printed form the following:

#### NOTICE

Open this Box in the presence of the Provincial or City Auditor or his authorized representative who shall be his ranking assistant, as its contents are accountable forms, the Division or City Superintendent of Schools or his authorized representative who shall be his ranking assistant as representative of the Commission on Elections and the authorized representatives in the province or city of the Nacionalista Party and the Liberal Party to be appointed

by the Commission on Elections in accordance with the resolution of the Commission on Elections dated February 21, 1961.

By order of the  
Commission on Elections

DIRECTOR OF PRINTING

B. The Director of Printing shall furnish the provincial treasurer with a list or lists, indicating the names of the municipalities and/or municipal districts for which the official ballots correspond; the number of pads and the serial numbers of the ballots for each municipality or municipal district; and the number of pads of sample ballots likewise for each municipality or municipal district which list shall be certified by him or his authorized representative and by the Chairman of the Committee. Similarly, the Director of Printing shall furnish the city treasurer with a list or lists indicating the number of pads and the serial numbers of the official ballots for the city, and the number of pads of sample ballots, which list shall likewise be certified by him or his authorized representative and by the Chairman of the Committee.

C. Immediately upon receiving the box or boxes containing the official and sample ballots, the Provincial/City Treasurer shall call upon the Provincial/City Auditor, the Division/City Superintendent of Schools, or their ranking assistants, the representatives of the Nacionalista Party and the Liberal Party, authorized for the purpose, and the Special Attorney of the Commission on Elections if present in the capital/city, and in their presence shall open the box or boxes and verify the contents thereof, but *without opening* the sealed and closed envelopes containing the pads of ballots, on the following: whether the number of pads for the city or each municipality or municipal district and the serial numbers of the official ballots shipped as shown through the envelope window tally with the list or lists; and the condition of the envelopes and their seals. Immediately thereafter, they shall certify on the list or lists their findings, which list or lists with the certification duly signed by those present should be returned to the Bureau of Printing and copy of said list or lists as certified by them shall be furnished the Commission on Elections.

D. After such verification the Provincial/City Treasurer shall lock and seal again the boxes in the presence of the Provincial/City Auditor, the Division/City Superintendent of Schools, or their authorized representatives, the authorized representatives of the aforementioned political parties, and the Special

Attorney of the Commission on Elections, and keep them in a safe place.

E. The rules and procedure to be followed in the distribution of the official and sample ballots among the municipal and the municipal district treasurers and thereafter among the boards of inspectors be provided for in a separate resolution.

The Presidents of the Nacionalista Party and the Liberal Party or their respective authorized representatives shall, not later than August 1, 1961, propose to, for appointment by, the Commission on Elections, the names of their respective representatives in the different provinces and cities who will witness the verification of the official and sample ballots received by the provincial and city treasurers from the Bureau of Printing.

V. The Commission on Elections shall appoint the members of the aforementioned Committee on Printing, Distribution and Shipment of Official and Sample Ballots and Printing of All Other Election Forms on February 27, 1961; consequently, the Presidents of the above-mentioned national political parties as well as the Auditor General and the Director of Printing shall submit to the Commission on

Elections before February 27, 1961, the names of the persons they propose for appointment as members of said Committee and their corresponding substitutes. Failure to do so on or before February 27, 1961, shall oblige the Commission at its discretion to appoint such members.

The Secretary is directed to furnish copy of this resolution to the following: The Director of Printing, the Auditor General, the Presidents of the Nacionalista Party and the Liberal Party, the Secretary of Finance, the Secretary of Education, the Director of Public Schools, the Division/City Superintendents of Schools, all provincial and city treasurers and all provincial and city auditors.

So Ordered.

GAUDENCIO GARCIA

*Chairman*

SIXTO BRILLANTES

*Member*

GENARO VISARRA

*Member*

I hereby certify that the foregoing is a true and correct copy of the original on file in the Commission on Elections.

EMILIO J. AGUILA

*Secretary of the Commission*

## Philippine Virginia Tobacco Administration

December 9, 1960

### OFFICIAL GRADES OF PHILIPPINE FLUE-CURED VIRGINIA TOBACCO

Flue-Cured Virginia Tobacco Grade	Color	Symbols	Tolerance To Injury or Waste	Characteristics	Length (From tip to tip of leaf)	Price per Kilo
A	1. Bright yellow	A1B	Not more than 5%	Sound, Clean, elastic with a fair oil content	14 in. up	P3.60
	2. Orange yellow	A20	Not more than 5%	Sound, Clean, elastic with a fair oil content	14 in. up	3.60
B	1. Bright or dull yellow	B1B	Not more than 5%	Sound, Clean, elastic with a fair oil content	12 in. up	3.00
	2. Bright or dull yellow	B2D	Not more than 20%	Sound, Clean, elastic with a fair oil content	14 in. up	3.00
C	1. Spotted yellow	C1S	Not more than 5%	Sound, Clean, elastic with a fair oil content	14 in. up	2.50
	2. Bright or dull yellow	C1B	Not more than 20%	Sound, Clean, elastic with a fair oil content	12 in. up	2.50
	3. Bright or dull yellow	C2D	Not more than 5%	Sound, Clean, elastic with a fair oil content	10 in. up	2.50
D	1. Greenish brownish yellow	D1GB	Not more than 5%	Sound, Clean, elastic with a fair oil content	14 in. up	2.00

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	2. Bright, dull or spotted yellow	D2	Not more than 20%	Sound, Clean, elastic with a fair oil content	10 in. up	2.00
E	1. Brown (Not exceeding 30% brownish or greenish)	E1LB	Not more than 10%	Sound, Clean, elastic with a fair oil content	At least 8 inches up	1.50
	2. All those not falling as Grades A, B, C & D (Off Grade)	E20G	Not more than 30%	Sound, Clean, elastic with a fair oil content	At least 8 inches up	1.50

Certified true copy:

ESTEFANIA R. SALANGA  
Chief, Records Section

JUAN C. RELOSA  
General Manager

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\* A lot of tobacco "pinongos" or bale containing assorted grades shall be classified in the lowest grade of the lot.

## HISTORICAL PAPERS AND DOCUMENTS

SPEECH OF PRESIDENT GARCIA AT THE FORMAL LAUNCHING OF  
FORT SANTIAGO AND INTRAMUROS RESTORATION PROJECT,  
FRIDAY AFTERNOON, APRIL 7, 1961

LADIES AND GENTLEMEN:

**W**E ARE met today on hallowed grounds. The earth under our feet once bore the footsteps of heroes and martyrs. The walls around us once resounded to the marching of conquering armies, the painful whish of the whiplash, the shouting of tyrants, and the groaning of their helpless victims. These walls once shielded the might of foreign masters—Spaniards, British, Americans, and Japanese—from the attacks of their enemies. They have crumbled down on various occasions owing to the fury of the elements or the destructive onslaught of war, but they have always been restored, mostly for military purposes.

Now Fort Santiago is once more in ruins. Once again it is being rebuilt. But this time it is we, the legitimate owners who are rebuilding it. And this time this historic Fort is being restored not for military purposes. The technological advances in military science have made it obsolete as military stronghold. But we are rebuilding it to stand forever as a reminder to our people that our independence has not been fed to us on a silver spoon from a silver platter. That, instead, we have won it at the cost of so much blood spilled by martyr-heroes and, of so much tears shed by countless widows and orphans. In this way, we may strengthen our resolve to treasure our freedom and to keep the ramparts which support them, always physically, morally, and spiritually strong.

Fort Santiago has had a long and checkered history. At the coming of the first Spaniards to Maynilad in 1570, it had been fortified by Rajah Soliman and his grandsires for about a century. The old fortification was made merely of logs alone and earthen embankment, it is true, but it was a proof, nevertheless, that our forefathers had a sense of strategic military values and that the defense of the homeland has always had a high priority status among our people.

When the Spaniards came under Martin de Goiti in 1570, the bronze cannons which guarded the Fort and the valor of our forebears were not sufficient to stop the invaders. Maynilad, and after that, the rest of Luzon and of the country became a Spanish possession.

I shall not tax your patience with the details of the construction of the stone Fort at this site through centuries of Spanish occupation. Let me just say in brief that it

was conceived and started by Legaspi soon after his arrival at Maynilad in 1571; strengthened by his successor, Guido de Lavezares; improved by Antonio Sedeño, a priest-engineer; further strengthened and given its present name by Gov. Gomez Perez Dasmariñas around 1592, and rebuilt in 1729 by Gov. Fernando Valdez y Tamon. I might also add that Fort Santiago has been so named because "Santiago" was the battlecry of the invading forces of Martin de Goiti during their successful assault against the wooden fortification of Maynilad in 1570, and Dasmariñas perhaps wanted it to be a reminder to the Filipinos of the might of Spain and the futility of resisting it. Furthermore, *Santiago* happened to be the patron saint of Spain and of Governor Dasmariñas; so the choice was more or less a matter of course.

This historical background may be important to the historians, and to us as a people. But far more important are the historical associations of this Fort to the important chapters in our struggle for liberty and independence. For this historic Fort has performed the dual role of defense bastion and torture chamber.

As a torture chamber it made no distinction between Spaniards and Filipinos. Even Spanish Governors like Geronimo de Silva, Hurtado de Corcuera, Fernando Bustamante, and Jose Raon, to name only a few, were confined here. So was Bishop Francisco de la Cuesta. But far more numerous were the Filipinos imprisoned here and far greater was the physical suffering inflicted upon them by their wardens.

Nameless forever are the anonymous martyrs who died here of suffocation, hunger, and physical torture. But there stand out a few famous Filipino prisoners who typify the rest. There are, for instance, the three martyr priests of 1872—Burgos, Gomez, and Zamora. Then there were the Lims, the Quirinos, the Elizalde, and the Santos of the Japanese occupation. But foremost among them is Jose Rizal, our national hero, the greatest Malayan that ever trod this earth.

Rizal's imprisonment here in July, 1892, prior to his banishment to Dapitan, was relatively uneventful, but it is significant in that it is a clue to the kind of administration of justice obtaining in the Philippines at the time. Rizal's confinement and subsequent banishment were not preceded by any form of due process of law. His second confinement, from November 3 up to December 30, 1896, is of paramount significance to us, for it was during this period that he carried out his unsuccessful fight for his life. It was in one of the rooms here that he wrote his immortal poem, the *Last Farewell*, than which no loftier, nobler lines have ever been written by man in any century and

any clime! It was in an improvised chapel yonder, still awaiting reconstruction, that he was reported to have been reconciled to the religion of his childhood, as a part of his preparation for his untimely return to his Maker. It was there that he wrote his last lines to Blumentritt, to Paciano Rizal, and to his father and mother. It was also there that he allegedly married the *dulce extrangera* of his last farewell, thereby changing her status to that of "my dear and unhappy wife," partly as a reward for the love she gave him during his lonely days of exile in Dapitan, and partly as a part of his reparation for the moral lapses he had committed, in preparation for his immolation at the altar of justice, racial equality, freedom, and human dignity. Finally, it was there that he started his last walk to Bagumbayan; it was there that he started his last meditation on Christ bearing the Cross, ending at Bagumbayan with his meditation on Christ Crucified.

My friends, there are a few countrymen of ours who would rather see Fort Santiago completely demolished so that henceforth there shall no longer be in this portion of Manila any reminder of the tyranny to which our people have been subjected by the invaders. Every stone, they say, is a mute testimony to the agony that so many hopeless victims suffered here. But, as I said in the beginning, it is necessary to have here a perpetual reminder to our people that we have paid very, very dearly for the freedom we have won. Just as a man raised in ease is quite capable of throwing away the wealth he has inherited from rich parents, and one who has sweated for his possession is likely to conserve it, so our people will be more deeply concerned with the preservation of our liberties if they are aware of the terrible price we had to pay to win them.

But it is not merely as a reminder of the past that we are undertaking restoration work in this historic place. We want it as a repository of our precious historic relics and as a shrine to which our people may repair in times of national stress, to draw the inspiration and moral strength needed in solving the serious problems of the nation. Who knows if some day we may transfer to this place, to be given the reverent care that they deserve, the bones of Marcelo H. del Pilar, Jose Panganiban, and other heroes, which are now kept in small niches inside the dilapidated tomb of the Filipino Veterans at the *Cementerio del Norte*? Who knows if some day we may collect from the jungles, where they are now scattered, the remains of Jose Abad Santos, Vicente Lim, Wenceslao Vinzons, and other heroes that they may forever repose in permanent tombs tended by the loving hands of their grateful countrymen!

Also, we want this place restored so that our friends from across the seas, coming to visit our country, especially

during the Rizal Centennial Year, which we have also designated as a year for attracting tourists to see the Orient, particularly the Philippines, may be able to see that we have had a history that entitles us to the respect of our brothers and sisters in other lands. For these mute stones shall always be eloquent witnesses that while there has been tyranny in this country, we as a people have never bended our knees before the tyrants. Be the tyrants white or yellow we have always believed with Rizal that there can never be tyrants where the people are not willing to be slaves. And we have always fought the tyrants with bolos or even with our bare hands, never hesitating to spill our blood,, never faltering before the call of duty, in the face of weeping wives and children who are about to become widows and orphans as we leave our homes for the battle-fields.

Then we may hope that our foreign friends, having learned how much our freedom means to us because of the price we had to pay for it, will learn to respect our independence just as we respect theirs. Then we may hope that in this spirit of mutual respect we may be able to help build a just and enduring world peace not only in Southeast Asia but also in every other section of the world.

Cognizant of the paramount significance of this project, the Congress of the Philippines has made an initial appropriation of P150,000 for the building to house the Rizal relics. As soon as estimates of additional appropriations needed can be determined, I shall not hesitate to recommend Congressional approval of the supplementary appropriation. Once sufficient funds become available, the reconstruction work shall be carried out with the utmost speed, for this job merits the highest priority in our public works program.

Our program shall not be limited within the confines of this historic Fort. In due time, as resources become available, it will be extended to include the entire wall of Intramuros. Fort Santiago and Intramuros are integral parts of a single historic site. Each will be incomplete without the other.

I should like to stress, before closing, that the reconstruction work we are embarking upon in this historic place is only an initial step in a huge and more vital reconstruction job which we shall undertake as a nation. If we are to attain the maximum level of greatness for which our people aspire, we must reconstruct our scale of values, placing the material and the moral and spiritual where they properly belong.

The Philippines has been called a show window of democracy in Asia. We have reason to be proud of it. But we must strive to deserve the honor. A show window can serve its purpose only when it contains, tastefully and



properly arranged, the products it is intended to display. A show window of democracy would not only be useless, nay, it would defeat the very purpose for which it has been made, if it were either empty or filled with an unsightly display.

As you very well know, our display of the beauty and the virtues of democracy has been spoiled lately by so many forms of dishonesty and malfeasance in office. The PCAC during the administration of our late lamented President Magsaysay, and the more vigorous and vigilant PCAPE under the present administration, have been performing a herculean task in ferretting out the malefactors and prosecuting them before the courts of justice. Much has been done but much still remains to be done in this connection. I have often pledged, and in all sincerity I pledge again before the spirits of the honored dead who have hallowed this shrine, that I shall never stop in this thankless task as long as I am President of this country.

Herein, as I see it, is the real value of the reconstruction work which we are launching today. May our people grasp its full meaning and rise to the challenge which it poses! I hereby deliver this check to this patriotic group as my modest contribution for the accomplishment of this task.

PRESIDENT GARCIA'S SPEECH AT THE COMMENCEMENT EXERCISES  
OF THE LYCEUM OF THE PHILIPPINES AND THE CONFERMENT  
UPON HIM OF THE DEGREE OF DOCTOR OF HUMANITIES, HONORIS  
CAUSA, SATURDAY AFTERNOON, APRIL 8, 1961

**A**T the very outset, I wish to express my profound thanks to the President and the Board of Trustees of the Lyceum for the distinct honor that is being bestowed upon me today with the conferment of the degree of Doctor of Humanities. I shall treasure this recognition of my humanitarian services until the end of my days. It shall be my constant endeavor to live up to the highest ideals of this great institution, and to prove a worthy alumnus thereof. To my fellow alumni who are graduating this year into the different professions, may I extend my warmest felicitations for their successful completion of their studies, and my sincere wishes for a full measure of true success in life.

Thanks for the degree. It is a source of great pride for me that this great institution, from whose portals you will issue forth today to the great adventure of life, has, in the relatively short span of years that it has existed, attained a glorious record worthy of the name of that illustrious Filipino who gave it birth, Dr. Jose P. Laurel—statesman, scholar, writer, lawyer, leader of his people, and nationalist.

I have had the signal honor of closely associating with Dr. Laurel in his long career of public service. He was one of our very few statesmen who burned with the passion of Filipino nationalism through varying political climates. The ebb and flow of political fortune did not make him waver in his convictions. His desire for the freedom, progress, and prosperity of our people was an unquenchable fire in his soul.

Like most of our great men, he saw that proper education is the key to the progress and prosperity of the nation. He saw that the future of this country lay in the hands of the youth. He saw that this youth must be guided towards the right path through education. Unlike others, he did not stop at talking about the need for proper education for the youth. He acted and founded this institution which now rises like a pillar of fire to guide many a Filipino youth in their travel to the Promised Land.

Today, I will speak to you about our country, her dreams and her aspirations, her achievements, and her growth. That is to say, her present, her past, and her future.

I am indeed happy as a Filipino that the United Nations recognizes our economic development as spectacular; that the Philippine Republic is the most successful democracy in Asia. How far have we advanced in economics, in education, and in all other human activities? Since the Nacionalista administration took over in 1954, our growth in

all phases of national life is something we can definitely be proud of. Let us look at a few facts. The Gross National Product of a country is the market value of the output of goods and services produced by that country's economy. In a general sense, it is the best indicator of a nation's growth. In 1953, the last year of the Liberal Party regime, the gross national product of the Philippines was P8.002 billion. The gross national product for 1960 is P10.8 billion or an increase of almost 3 billion pesos in seven years.

In 1953, the last year of the Liberal Party regime, there were an estimated 1,468,000 unemployed. In 1959 an actual survey showed that only 749,000 were unemployed. There was a significant drop in unemployment despite the fact that the labor force of the country increases by some 280,000 annually.

When I took over the presidency in 1957, the employed labor force according to the Bureau of Census was 8,149,000. In 1959 the employment figure rose to 8,959,000 or an increase of 810,000 laborers. The increased economic activities in 1960 as evidence by the marked improvement in the gross national product indicates an even higher level of employment in that year.

The opposition likes to talk about graft and corruption. So let us look at the record. The Liberal regime ending December 30, 1953, was marked by the shocking surplus property scandals, the import control mess, the Chinese immigration quota racket, the systematic looting of government funds, the infamous Buenavista-Tambobong real estate deal, and the bloody crimes committed to rape Philippine democracy in 1949. So when I assumed the Presidency in March, 1957, I inherited the problems of graft and corruption prevailing before my time. I launched a vigorous war in 1958 against graft, and by 1960 a total in round figures of 22,000 administrative cases had been filed. Of this number 14,000 have been decided, resulting in 10,000 convictions and 4,000 exonerations in round figures. The rest are still pending. In addition a total of 740 criminal cases have been filed. About a hundred of these have been decided, resulting in 75 per cent convictions and 25 per cent exonerations.

It is not true that I have dealt drastically only with the small fry. I have fired or punished top ranking officials; such as, undersecretaries, several bureau directors, fiscals, justices of the peace, collector of customs, etc. No official rank or social position or party affiliation can save anybody found crooked or corrupt. Aside from these achievements in the campaign against graft and corruption, it was during my administration that the Anti-Graft and Corrupt Practices Law was enacted.

At this point, I want to call your attention to the fact that it is the Nacionalista administration that flushed out, exposed, and punished corruption in the government without fear or favor. And for doing so, it is tagged as the most corrupt administration. How else can you fight corruption except by exposing it in the press and proceeding against the culprit? We could have done like the administration before our regime, hiding the crime; covering the culprit, and deceiving the people that everything is okay. But as far as this administration is concerned, we are willing to do the dirty job even if in doing so we get splashed over by part of the mud. To this end, the 2,200 administrative cases so far file will be doubled or trebled as long as it is necessary to reestablish morality in our Government.

In the fight against communism, let us not forget that it was during the past regime that the communist threat to our security reached its peak of armed rebellion. It was the Nacionalista administration that broke the back of the communist movement in the Philippines. It was I who signed into law the bill outlawing the Communist Party. And it was during my administration that the concluding gains in the fight against this godless ideology have been achieved.

In the field of foreign relations, this administration has succeeded to elevate the nation's international prestige. It has earned the respect and esteem of the nations owing to her courageous independent and dignified course of action in international politics. We launched our Filipino First policy, and now this policy is recognized and respected by the whole world. Thus, the 'Filipinism' of Laurel, the Nationalism of Recto, and economic independism of this administration constitute the essence of our foreign policy.

Today, our rural communities are humming with renewed vigor and life. The Office of the Presidential Assistant on Community Development (PACD) is proving to be an effective instrumentality in the promotion of the welfare of the rural masses. In the short span of four years, the PACD has become a vital factor in the economic, social, and cultural progress of our country by reawakening in our people in the rural areas their capacity for self-help and an awareness of their ability to recognize their own problems and adopt measures for their solution.

Where once existed barrios wrapped in apathy and sense of hopelessness, there now thrive invigorated communities inspired by democratic grassroot leadership—a strong guarantee against the inroads of communism.

From an initial coverage of 22 provinces in 1956, with 2,000 self-help projects only the community development movement now covers 55 provinces. Now self-help projects undertaken number 29,886 valued at ₱29 million. These

projects included food production, varied barrio improvements, feeder roads, barrio waterworks and spring development, repair of schools, communal irrigation, promotion of public health, and related improvements.

Furthermore, in 1953 before the Nacionalista administration took over, there were 2,000 artesian wells serving 1,200,000 people. Today there are 14,000 artesian wells serving 4,500,000. There were 400 waterworks systems before serving 4,000,00 people. Today, there are 700 waterworks systems serving 6,500,000. There were a total of 84 irrigation systems (national, communal, and private) before serving a total of 15,000 hectares. Today, there are a total of 119 irrigation systems serving a total of 60,000 hectares.

It was because of this quadrupled increase in the amount of acreage subjected to irrigation, plus a more determined campaign to improve production techniques through seed selection, soil conservation, soil analysis, use of fertilizers, etc., that the Philippines for the first time in our history was able to become self-sufficient in rice during this administration.

Before 1954 the highest appropriation of the Liberal Party for health was ₱16 million. This year we are spending ₱70 million for health services and next year this will be increased of ₱73 million, or  $4\frac{1}{2}$  times as much.

This increased expenditure for health has accounted for the significant decrease in mortality and communicable diseases, in the increased number of rural health units, both stationary and mobile, in the increased periodic health checkups among our poor people who cannot afford paid medical attention, in the initiation and spread of the movement to bring doctors and nurses into the hinterlands hitherto unreached by modern medical facilities. For example in the last year of the Liberal Party regime there were 200 hospitals with a bed capacity of 15,000 serving a total number of 200,000 people. Today there are over 300 hospitals with a bed capacity of 25,000 serving a total of 400,000.

In the field of public works and transportation, the advances we have made are also clearly marked. Today we have 6,000 kilometers of unsurfaced roads as against only 4,000 kilometers in 1953. We have now 25,000 kilometers of gravelled roads as against 20,000 kilometers in 1953; we have 6,000 kilometers of asphalted roads as against only 3,000 in 1953; and we have 900 kilometers of concrete roads as against only 700 kilometers in 1953.

In 1953 we had a total of 66 airports, 50 of which were owned by the Government and 16 of which were private. Today we have 102 airports, of which 63 are government-owned and 39 privately owned.

In the field of public land distribution, this administration dealt a death blow to the causes of dissidence and communism by issuing 16,700 land patents or titles in 1954, 44,600 in 1958; and 26,900 in 1959. In addition the land tenure administration has speeded up the expropriation of private landed estate and is pursuing with vigor the cutting up and redistribution of these estates to the tenants occupying them, thus accomplishing the program of giving land to the landless and home to the homeless.

In the field of power resources and electrification, there were, in the last year of the Liberal Party regime, five hydroelectric power plants delivering a total of 300,000,000 kilowatt hours. This number, by the way, includes again, hydroelectric power plants constructed before the war. In contrast, today we have 14 hydroelectric power plants delivering 641,000,000 kilowatt hours.

Power is of extreme necessity in the development of industries, and the boost to industrialization in recent years is partly due to the availability of this increased power source. However, I realize that the growing needs of the country require the production of more power for the industries we are developing, and the increased utilization of water resources for power is a main item in my industrial development plan.

In the field of education our progress has dwarfed the best that the administration prior to 1954 could do in its best year. Whereas, the last budget for education under the past regime was only P156 million today, our budget for education is P306 million for the current fiscal year. For the next fiscal year, I have submitted to Congress a budget for P352 million for education alone. This amount which represents an increase of more than 100% in seven years went into the raising of our educational standards, increase of compensation to our teachers, the building of more schools, the opening of thousands of more classes, etc.

Ladies and gentlemen, I have mostly talked to you about the material progress we have achieved, about our strides in commerce, industry, and agriculture, the development of our natural resources, and the like. But let it never be forgotten that there are higher things in life than these. Let us remember not to sell virtue for wealth nor liberty for power. The greatest need of today is love. Let the qualities of love, hope, and faith be the predominant elements of your hearts. After all, the education of the heart is the heart of man's education. Let there be more faith in, and fear of, God. Let us keep in mind that the seed you sow in your mind is the harvest you will reap in your character. This means that every good deed you do, every good thought you think, and every good work you say,

always brings reward; and every bad thought or deed always brings retribution.

Character is therefore the best and the greatest part of your education. The moral and spiritual values are far above human evaluation. Let us therefore establish our moral character on the foundation of rock, "and the rains of hardships fell, and the floods of reverses came and the winds of adversities blew and beat against it but it fell not because it was founded on a rock."



## DECISIONS OF THE SUPREME COURT

[No. L-10184. February 29, 1960]

FELIX V. VALENCIA, petitioner, *vs.* THE AUDITOR GENERAL,  
ET AL., respondents.

RETIREMENT GRATUITY; CONDITIONS FOR RETIREMENT UNDER REPUBLIC ACT 660.—To enjoy the retirement benefits of Republic Act No. 660, a member must pay contributions to the retirement fund for at least five years, and if he has not, such contributions will have to be deducted from the retirement annuity in such manner as may be approved by the GSIS Board, at the request of said member.

REVIEW of a ruling of the Auditor General.

The facts are stated in the opinion of the Court.

*Félix V. Valencia* in his own behalf.

*Solicitor General Ambrosio Padilla* and *Solicitor Federico V. Sian* for the respondents.

BENGZON, J.:

Felix V. Valencia has appealed from the ruling of the Auditor-General approving the deductions made by the Government Service Insurance System from his retirement gratuity.

On November 16, 1950, Valencia was dismissed from the service of the Cebu Portland Cement Co. as general superintendent. He immediately complained to the Court of Industrial Relations, which court, after hearing, ordered his reinstatement with back pay. Such order was, on appeal, confirmed by this Court in March 1954. However, upon motion for reconsideration which asked a modification of the decision so as to require reinstatement with back pay only up to June 17, 1951, when Valencia could be considered retired under Republic Acts 660 and 728, this Court modified its affirmance by adding,

“\* \* \* subject to the provisions of such law or laws or regulations as may have been promulgated since the institution of the case and which may be applicable to the respondent.”

It appears that on June 17, 1951, when Republic Act 660 was enacted, Felix V. Valencia had reached the 65-year compulsory retirement age fixed by such law. Accordingly, in compliance with our decision, he received back salary up to June 17, 1951 and was declared automatically separated from the service as of that date under Republic Act 660, with its retirement benefits.

Whereupon, the Government Service Insurance System, charged with the implementation of Republic Act 660, paid Valencia his 5-year lump sum retirement annuity,

but deducted therefrom the amount of P2,250.00 representing unpaid retirement premiums (contributions) for five years. He questioned this deduction before the Auditor-General's Office. There the deduction was upheld.

The Government Service Insurance System holds that under section 12(a) of Republic Act 660, any member who retires or is retired, must have made contributions (premiums) to the retirement fund for at least five years, and if he has not, such contributions (5-year or less as the case may be) will have to be deducted from the retirement annuity in such manner as may be approved by the Board, at the request of the member. This section reads as follows:

"Sec. 12.—Conditions for retirement.—(a) On completion of thirty years of total service and attainment of age fifty-seven years, a member shall have the option to retire. In all cases, the last three years of service before retirement must be continuous, *and he has made contributions for at least five years, which contributions may, upon his request approved by the Board, be deducted from his life annuity under such terms and conditions as the Board may prescribe.* \* \* \*" (*Italics Ours.*)

We think the Government Service Insurance System has read the section properly. The underlined portion is not very explicit and clear; but reading it in connection with sec. 26, specially the provisos thereof<sup>1</sup>, one gets the definite idea that to enjoy the retirement benefits of the Act, a person must pay contributions for at least five years.

There is no question that Felix V. Valencia has made no contributions (premiums) to the retirement fund because such contributions were for the first time required in June 17, 1951—the day he retired. Here he makes no serious effort to question the interpretation given above to section 12(a). However, his main contention is that his case falls under sec. 12(c)—a paragraph that does not mention five-year contributions. In *Espejo vs. Auditor-General*, 51 Of. Gaz. 2862, this matter was discussed, and through Mr. Justice J. B. L. Reyes, this Court held that the expression "in all cases" in paragraph (a) means it is also applicable to paragraph (c). Here again, a reading of sec. 26 of the law<sup>2</sup> will convince any one of the legislators' intention to require contributions for at least five years from beneficiaries of the retirement fund.

Petitioner points out that sec. 5 of Republic 728 amend-in Republic Act 660 provides that "there shall be no discount from the annuity for the first five years of those who are sixty-five years of age or more on the date of

<sup>1</sup> \* \* \* Provided, That contributions corresponding to his last five years of service shall be deducted monthly from his life annuity.

\* \* \* Provided, further, That contributions corresponding to his last five years of service shall be paid as provided in section twelve of this Act. \* \* \*

approval of Republic Act 660." It is significant that this amends section 11; whereas the deductions are mentioned in section 12. And it seems to refer to the 5% discount which the Government Service Insurance System used to charge for advancing the five-year annuity payments. We know this from *Espejo v. Auditor-General*, *supra*, and *Bautista v. Auditor-General*, L-10859, August 29, 1958. Furthermore, there is no reason to exempt the class of retirees under sec. 11 from the burdens imposed on the classes specified in sec. 26.

Wherefore, the ruling under review is sustained with costs against petitioner. So ordered.

*Parás, C. J., Montemayor, Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., Endencia, Barrera and Gutiérrez David, JJ., concur.*

*Ruling sustained.*

[Nos. L-12614 and L-12615. 29 January 1960]

JUAN ESTELLA, FELICISIMO VARGAS, MAXIMO DE LARA, DOMINGO DE LARA, DOMINGO SAMSON and FLORENTINA TABOCBOC, petitioners and appellants, *vs.* REGISTER OF DEEDS OF RIZAL, respondent and appellee; JOHN O. YU and PHILIPPINE REALTY CORPORATION, intervenors and appellees. REGISTER OF DEEDS OF RIZAL, petitioner and appellee, *vs.* PEDRO MORAGA, respondent and appellant; JOHN O. YU and PHILIPPINE REALTY CORPORATION, intervenors and appellees.

1. REGISTRATION OF LAND TITLES; REGISTERED LANDS; PRESCRIPTION AND ADVERSE POSSESSION.—An adverse claim of ownership over a parcel of land registered under Act No. 496 based on prescription and adverse possession cannot be registered by the Registrar of Deeds, because under section 46 of said Act no title in derogation to that of the registered owner may be acquired by prescription or adverse possession. Hence, the registration of said adverse claim will serve no useful purpose and cannot validly and legally affect the parcel of land in question.
2. ID.; ID.; REVERSION TO THE STATE; EFFECT.—The reversion to the State of a parcel of land registered under Act No. 496 does not withdraw it from the operation of the provisions of the Act.

APPEALS from two decisions of the Land Registration Commission.

The facts are stated in the opinion of the Court.

*Arturo Agustines* for Pedro Moraga, Juan Estella et al.  
*Sycip, Salazar, Atienza, Luna & Caparás* for intervenor and appellee John O. Yu.

*Feria, Manglapus & Associates* for the intervenor and appellee Corporation.

PADILLA, J.:

These are appeals from two decisions of the Land Registration Commission dated 7 February and 30 April 1957, upholding the refusal of the Registrar of Deeds in and for the province of Rizal to record the claimants' adverse claims under the provisions of section 110, Act No. 496 (LRC Consultas Nos. 137 & 149).

On 24 December 1956 Pedro Moraga filed in the Office of the Registrar of Deeds in and for the province of Rizal an affidavit of adverse claim subscribed and sworn to by him, claiming ownership of a parcel of land known as Lot No. 14, Block No. 51-C of the subdivision plan Psd-15136, situate in barrio Calaan, municipality of Caloocan, province of Rizal, containing an area of 682.5 sq. m. more or less, described in transfer certificate of title No. 47961 issued in the name of John O. Yu, married to Aniceta T. Yu, registered on page 161, volume 516 of the registration book in the registry of deeds of Rizal, on the ground that in or about the year 1945 the Philippine Realty

Corporation sold the said parcel of land to a Chinese citizen disqualified to acquire public agricultural lands or to hold lands of the public domain in the Philippines; that the contract of sale of the parcel of land in question to the disqualified alien is null and void and neither the vendor nor the vendee retained or acquired ownership thereof; that he and his predecessors-in-interest have been in actual, continuous, public, exclusive and uninterrupted possession of the parcel of land in question for more than ten years and built two houses thereon; that no one has claimed from them ownership or possession of the parcel of land in question or demanded from them payment of rentals for its use and occupation and whatever right the alien vendee had in it already has prescribed; and that the registered owner was aware that the appellant had been in possession of the parcel of land in question when he bought it from the Philippine Realty Corporation and that the transaction between the Philippine Realty Corporation and the disqualified alien was illegal. The appellant requested the Registrar of Deeds to record his adverse claim pursuant to section 110, Act No. 496.

On 29 December 1956 the Registrar of Deeds referred the request and submitted the following questions to the Land Registration Commission for resolution pursuant to section 4, Republic Act No. 1151:

1. Is not Pedro Moraga a mere squatter on registered private land?
2. If Pedro Moraga is a mere squatter on registered private land, has he the right to encumber the title to that land with an annotation of adverse claim?
3. Is the adverse claim of Pedro Moraga registerable? (LRC Consulta No. 137.)

On 7 February 1957 the Land Registration Commission rendered a decision declining to answer the first and second queries on the ground that it has no jurisdiction to pass upon and determine the first question and the second question is hypothetical, but answering the third question in the negative because the parcel of land in question being registered under Act No. 496, the appellant's claim of prescription and/or adverse possession is untenable for "No title to registered land in derogation to that of the registered owner shall be acquired by prescription or adverse possession."

On 26 February 1957 the appellant filed a motion for reconsideration. On 12 March 1957 John O. Yu, the registered owner who had intervened, filed an opposition to the motion for reconsideration.

On 28 February 1957 Juan Estella, Felicisimo Vargas, Maximo de Lara, Domingo Samson and Florentina Taboc-boc by counsel filed in the Land Registration Commission a written consults based upon an affidavit of adverse claim

subscribed and sworn to by them, the first two claiming ownership to one-third; the rest, to one-third; and Pedro Moraga to one-third of the parcel of land in question, on the same grounds invoked by the latter in his affidavit of adverse claim filed in the first case. They prayed that the Registrar of Deeds be ordered to register their respective adverse claims under the provisions of section 110, Act No. 496 (LRC Consulta No. 149).

On 30 April 1957 the Land Registration Commission denied the motion for reconsideration of Pedro Moraga in LRC Consulta No. 137 and the petition of the other appellants in LRC Consulta No. 149, reiterating its decision dated 7 February 1957 in the first case.

The Land Registration Commission properly declined to answer the first and second questions submitted to it for the reasons given and correctly answered the third question in the first case, because the parcel of land in question having been registered under the provisions of Act No. 496, no title in derogation to that of the registered owner may be acquired by prescription or adverse possession.<sup>1</sup> The registration of the appellants' adverse claim would serve no useful purpose because it could not validly and legally affect the parcel of land in question. The cases of *Gurbox Singh Pabla and Co. vs. Reyes*, 48 Off. Gaz. 4365 and *Register of Deeds of Manila vs. Tinoco*, 53 Off. Gaz. 2804, cited by the appellants in support of their contention that it is the ministerial duty of the Registrar of Deeds to register their respective adverse claims, do not apply to the cases at bar. There this Court upheld the registration of contracts of lease affecting the real property as an adverse claim notwithstanding the assertion of invalidity and nullity of the contracts of lease because that question should be determined and passed upon in the proper proceedings after registration. Here the appellant's adverse claim of ownership is based upon prescription and adverse possession, the registration of which, as already stated, would serve no useful purpose and could not validly and legally affect the parcel of land.

The appellants claim that as neither the vendor nor the vendee could claim ownership of it, it reverted to the State as patrimonial property, which they may acquire by prescription or under the free patent law. Even if their claim of reversion to the State be sustained, still their respective adverse claims cannot be registered. Prescription does not run against the State.<sup>2</sup> Besides, the reversion to the State of the parcel of land in question did not withdraw

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<sup>1</sup> Section 46, Act No. 496.

<sup>2</sup> Article 1108, new Civil Code.

it from the operation of the provisions of Act No. 496. Neither could the fact that their adverse possession which might entitle them to acquire it under the free patent law constitute a registerable adverse claim.

The decisions appealed from are affirmed, with costs against the appellants.

*Parás, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., Endencia, Barrera and Gutiérrez David, JJ., concur.*

*Decisions affirmed.*



[No. L-11430. January 30, 1960]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee,  
vs. TOMAS ESTACIO, FEDERICO ESTOESTA AND MAX-  
IMINO ROMERO, defendants and appellants.

1. EVIDENCE; ALIBI; NO LEGAL VALUE IN ACCUSED ARE SUFFICIENTLY IDENTIFIED.—The defense of alibi can have no legal value where the accused have been sufficiently identified as the perpetrators of the crime and where the story given by them in support of said alibi is inherently impossible.
2. ID.; ID.; ID.; WEAKEST DEFENSE; SHOULD BE SUPPORTED BE STRONG EVIDENCE.—Considering that the defense of alibi is the weakest that can be put up by an accused because of the easiness with which it can be concocted, it must be supported by strong and convincing evidence to be of some avail, though the rules is always to discredit it if there is direct and positive evidence establishing the identity of the accused.

APPEAL from a judgment of the Court of First Instance of La Unión. Reyes, J.

The facts are stated in the opinion of the Court.

*Assistant Solicitor General Antonio A. Torres and Solicitor Eduardo C. Abaya* for the plaintiff and appellee.

*Alfredo Ferraren* (Counsel *de Oficio*) for defendant and appellant Tomás Estacio.

*Alfonso Ponce Enrile* (Counsel *de Oficio*) for the other defendants and appellants.

BAUTISTA ANGELO, J.:

This is an appeal from a decision of the Court of First Instance of La Union finding the three defendants herein guilty of the crimes of murder, frustrated murder, and attempted murder, and sentencing them to suffer life imprisonment for the first offense, to an indeterminate penalty of from 6 years and 1 day of *prisión mayor* to 12 years and 1 day of *reclusión temporal* for the second offense, to another indeterminate penalty of from 6 months and 1 day of *prisión mayor*, for the third offense, and to pay jointly and severally the sum of ₱3,000.00 to the heirs of Rosita Ogo, the sum of ₱500.00 to Teofilo Orille, the sum of ₱200.00 to Mercedes Oribello, and the sum of ₱100.00 to Natalia Orille.

In the early morning of July 27, 1953, while Antonio Orille was sleeping in one of the rooms of their house at barrio Ambangonan, Pugo, La Union, his mother Mercedes Oribello and his older sister Natalia Orille in another room, and his older brother Teofilo Orille and the latter's wife Rosita Ogo in the sala of the house, Antonio was awakened by some outcries and when he got up and peeped through the door he saw three men in the sala of the house one of whom he recognized as Maximino Romero, while the other two he did not know but recognized their faces because of the light of a lamp placed on top of a drawer. At

this moment, Romero approached Teofilo Orille whom he hacked with a bolo in the head when he was about to stand up causing him to fall down. Teofilo tried to stand up again but Romero slashed him a second time at his right eye causing him to fall unconscious. When his wife Rosita was about to stand up, one of the intruders, who happened to be the tallest and was later identified as Tomas Estacio, attacked her with a bolo killing her instantly. Then Estacio and the other intruder, who was later identified as Federico Estoesta, entered the room where Mercedes Oribello and Natalia Orille were sleeping at which moment Antonio Orille, who got scared of what he saw, jumped out of the window shouting for help and went to the neighboring house of Catalino Morales where they drummed a can. Natalia Orille, who was awakened by the shouts of Antonio, saw Federico Estoesta and Tomas Estacio advancing towards her and all of a sudden Estoesta hacked her on the top and back of her head causing her to fall unconscious. Mercedes Oribello, on the other hand, who was also awakened by the noise, likewise saw the three intruders one of whom hit her with a bolo on her left cheek and on the right side of her head causing her also to fall unconscious.

In the early hours of the same morning, Ignacio Millanes, a farmer living in the same barrio, left his house to fetch the carabao he left to graze in the field, and upon reaching a road nearby he saw from a distance of seven meters three men walking hurriedly all armed with bolos, and as they remarked that they were going to bypass the nearby houses, he stopped to look and noticed that they had their pants wet. He identified the three men as the three defendants in this case.

Almost at the same early hour, one Antonio Asuncion, whose house was twenty-five meters from that of Millanes, also saw three men "walking very fast in a somewhat running manner" wearing wet colored pants and carrying bolos on their waists, whom later he identified as the three defendants herein. Asuncion was at the time on his way to his ricefield which he had irrigated.

Mayor Faustino Madriaga of Pugo, La Unión, upon being informed of the tragedy, went the same morning to Orille's house to conduct an investigation, but desisted from doing so when he saw that Rosita Ogoz was dead and her companions lying on the floor unconscious. However, Antonio Orille lost no time in reporting to him the occurrence telling them that one of those who perpetrated the gruesome act was Maximino Romero whom he personally knew and that while he did not know the other two, he could however recognize their faces if he could see them again.

In the morning of the tragedy, a *post mortem* examination of the body of Rosita Ogoy was performed by Dr. Clemente M. Vergara, while the three wounded were taken to the La Union Provincial Hospital for treatment. They remained there from July 27, 1953 to August 7, 1953, or for a period of twelve days, although in the opinion of Dr. Vergara it would take two or more weeks before the three could fully recover and resume their work.

Sometime prior to the date of the occurrence, a prayer ceremony for a dead child was held in the house of Teofilo Orille which Maximino Romero and Federico Estoesta attended. On said occasion, Romero got drunk and while dancing with the niece of Teofilo, he attempted to abuse her, whereupon, Esteban Mabutas, brother-in-law of Teofilo, intervened giving rise to a fracas. On one hand, Romero and Estoesta, helping one another, tried to hit Mabutas with a "black jack" which the latter was able to dodge. Then Estoesta started boxing the people around forcing Teofilo Orille to hold his hands to pacify him. This attitude enraged Romero who instructed Estoesta to **proclaim** that they will not stop until they have drawn blood.

Sometime in 1953, Teofilo Orille went to Rosario, La Union, to attend the town fiesta but upon arriving at the parking place for buses, his cousin Ceferino Oribello persuaded him to desist from going because Romero and Estoesta threatened to kill him if they should have a chance to see him. This is in substance what Teofilo Orille stated in the affidavit he thumbmarked when he was investigated after the occurrence wherein he said that those two who were involved in the incident that happened at the death anniversary of his child "came up our house and boloed us."

The defense set up an *alibi* for the three defendants. Federico Estoesta claims that in the evening of July 26, 1953, he and a companion were at the house of one Valentin Refuerzo in barrio Amallapay, Tubao, La Union, because sometime earlier on that date they had purchased some tobacco leaves in Agoo, La Union and because it rained that night they decided to sleep in the house of Valentin Refuerzo which they did not leave until three o'clock in the afternoon of July 27, 1953 because they helped in spreading and bundling the tobacco leaves. Maximino Romero, in turn, claims that in the evening of July 26, 1953, he and two other companions helped Jose Estoesta carry some lumber for the repair of the latter's house at barrio Amallapay, Tubao, La Union, and they were not able to return to their respective houses because it started to rain at eight o'clock that same evening, and so they spent the night in the house of Estoesta where they remained up to five o'clock in the afternoon of July 27, 1953. Tomas Estacio, on his part, claims that from July 24, 1953 to

July 27, 1953, he was in San Fabian, Pangasinan, because he performed some carpentry work in the house of Alejandro B. Caballero, the mayor of the town. where he took supper and slept in the evening of July 26, 1953, and stayed until the afternoon of the next day, July 27, 1953, when he returned to Agoo, La Union.

There is no question that Rosita Ogoy and the other members of the Orille family were assaulted and attacked in the early morning of July 27, 1953 resulting in the instant death of Rosita and in the infliction of serious injuries to others which almost caused their death were it not for the opportune medical treatment accorded them at the Provincial Hospital of La Union. The tragedy that has befallen the Orille family is admitted. The only question in dispute refers to the identity of their assailants who the defense contends are not the herein appellants. The prosecution, however, claims that the evidence it has presented sufficiently establishes that the assailants are the herein appellants because their identity and participation have been proven by competent witnesses.

After a careful examination of the evidence on record, we are persuaded to agree to this claim of the prosecution. In the first place, we have the testimony of Antonio Orille who, because of the commotion and outcries coming from the sala of their house, peeped through the door and saw three men who intruded into the house among whom he immediately recognized Maximino Romero although he was frank enough to state that he did not know the other two even if he could recognize their faces if he could see them again. This in effect he did when upon the request of some constabulary soldiers he was asked to indentify the three defendants among the several persons shown to him for identification where then and there he picked up the three herein defendants. Again, in the course of the investigation conducted before Judge Madarang of Agoo, La Union, Orille was also able to identify the three defendants when they were made to sit in different places with other persons by pointing to them immediately, which show that he was indeed able to recognize them in the morning of the occurrence. It is true that Antonio Orille was not able to state the color of the pants the appellants were then wearing, but this is of no importance, for experience shows that in meeting people one does not generally pay attention to their clothes especially when he meets them in an unusual situation such as what actually happened to the victims. In fact, this what happened. Antonio Orille frankly stated that while he recognized the culprits he did not however pay any attention to their clothing.

Aside from Antonio Orille, we have other witnesses who testified as to the identification of appellants, namely, the victims who survived the dastardly attack—Teofilo Orille, Natalia Orille and Mercedes Oribello who each testified as to the particular happening concerning their respective fate, and who deserved full credence from the trial court. In fact, the trial court stated that “notwithstanding the long cross examination made by the defense attorneys to the prosecution witnesses, the living victims, Teofilo Orille, Natalia Orille and Mercedes Oribello, had positively and consistently reiterated their identification of the herein accused who attacked them in that early dawn of July 27, 1953.” We may mention in addition the testimony of Ignacio Millanes and Antonio Asuncion, two humble farmers who were living in the neighborhood of the fatal occurrence and surprised the three defendants walking hurriedly immediately after committing the dastardly act wearing colored pants and carrying bolos on their waists. These two farmers, who had no motive whatsoever to prejudice the defendants, were positive in their assertion that they were the ones they saw walking hurriedly in that early morning in a suspicious manner as though they were trying to prevent detection or apprehension.

As regards the motive why defendants attacked their victims, the record also furnishes sufficient proof. It arose at the prayer ceremony carried out in the house of Teofilo Orille sometime prior to the commission of the crime which was attended by Maximino Romero and Federico Estoesta. On that occasion, Romero got drunk and tried to abuse a niece of Teofilo for which reason one Esteban Mabutas, his brother in-law, intervened. This enraged the two defendants who started the fracas involving the people around which forced Teofilo to intervene to pacify them. As a result, defendants got mad and threatened to kill him. While the defense attempted to discredit this proof by pointing out some flaws in the testimony of Teofilo Orille, the court is satisfied that the fracas actually took place which must have been the root cause of the aggression even if in the opinion of the court proof of such motive is of no moment considering that the guilt of the defendants has been established by sufficient and satisfactory evidence.

The defense of *alibi* set up by the defense does not appear to have any legal value not only because of the sufficient identification of the defendants as the ones who actually committed the act which led to the killing and wounding of the victims but because of the inherent improbability of the story given by them in support of their *alibi*. We don't need to go into detail to show the sufficiency of this averment for we are satisfied with the explanation or refutation made by the Solicitor General in his brief. This refutation convinces us that this defense of *alibi* is but a

mere scheme designed to exonerate the defendants from liability. Considering that the defense of *alibi* is the weakest that can be put up by an accused because of the easiness with which it can be concocted, it must be supported by strong and convincing evidence to be of some avail, though the rule is always to discredit it if there is direct and positive evidence establishing the identity of the accused. Such is the situation in the present case.

We agree with the trial court that the crimes committed are murder, frustrated murder, and attempted murder, with the aggravating circumstances of dwelling, and that in the commission of said crimes conspiracy on the part of the accused has existed and hence they can be held responsible as principals for all the consequences of their individual acts. While the proper penalty for murder is death and for the other crimes is imprisonment within the limits pointed out in the brief of the Solicitor General, however, for lack of the requisite number of votes, we are affirming the penalty of *reclusión perpetua* imposed by the trial court with regard to the crime of murder. As regards the crime of frustrated murder, the defendants should be sentenced to an indeterminate penalty of 8 years and 1 day of *prisión mayor* to 17 years and 4 months of *reclusión temporal*, and for the crime of attempted murder, they should be sentenced to an indeterminate penalty of 2 years 4 months and 1 day of *prisión correccional* to 10 years of *prisión mayor*, and with this modification, we affirm the decision appealed from, with costs against appellants.

*Parás, C. J., Bengzon, Padilla, Montemayor, Labrador, Concepción, Reyes, J.B.L., Endencia, Barrera, and Gutiérrez David, JJ., concur.*

*Judgment affirmed with modification.*

[No. L-13169. January 30, 1960]

BIENVENIDO NERA, petitioner and appellee, *vs.* PAULINO GARCIA, Secretary of Health, and TRANQUILINO ELICANO, Director of Hospitals, respondents and appellants.

1. ADMINISTRATIVE LAW; PUBLIC OFFICERS; PREVENTIVE SUSPENSION, NATURE OF.—Preventive suspension is a preliminary step in an administrative investigation. It is not a punishment. If after such investigation, the charges are established and the person investigated is found guilty of acts warranting his removal, then he is removed or dismissed from office. This is the penalty. For this reason, there is nothing improper in suspending an officer before the charges against him are heard and before he is given an opportunity to prove his innocence.
2. *Id.*; *Id.*; STATUTORY CONSTRUCTION; SECTION 694 PARAGRAPH 2 REVISED ADMINISTRATIVE CODE; DISHONESTY AND OPPRESSION.—The second paragraph of Section 694 of the Revised Administrative Code should be interpreted to mean that dishonesty and oppression, to warrant punishment or dismissal, need not be committed in the course of the performance of duty of the person charged. This conclusion results from the fact that there is a comma after the words dishonesty and oppression, thereby giving the impression that only the phrase “grave misconduct or neglect” is qualified by the words “in the performance of duty.”
3. *Id.*; *Id.*; INDIRECT CONNECTION BETWEEN MISAPPROPRIATION OF PRIVATE FUNDS AND OFFICE.—In the case at bar the Maternity Employee's Cooperative Association that owns the funds said to have been misappropriated is a private entity. But it is an association composed of the employees of the Maternity and Children's Hospital, a government institution, where petitioner was an employee, and if he was designated to and occupied the position of manager and cashier of said association, it was because he was an employee of the hospital. There is, therefore, a connection, although indirect and rather remote, between the alleged misappropriation and the petitioner's office.
4. *Id.*; *Id.*; SUSPENSION; ELECTIVE AND APPOINTIVE OFFICIALS; DISTINCTION.—An elective official stands on ground different from that of an appointive officer or employee. An elective officer, being elected by popular vote, is directly responsible only to the community that elected him. Ordinarily he is not amenable to rules of official conduct governing appointive officials, and so, may not be forthwith and summarily suspended, unless his conduct and acts of irregularity have some connection with his office. He has a definite term of office, relatively of short duration, and since suspension from his office definitely affects and shortens this term of office, said suspension should not be ordered and done unless necessary to prevent further damage or injury to the office and to the people dealing with said officer.

APPEAL from a judgment of the Court of First Instance of Manila. Ysip, *J.*

The facts are stated in the opinion of the Court.

*José Tomaneng Guerrero* for the petitioner and appellee.



*Acting Solicitor General Guillermo E. Torres and Solicitor Camilo D. Quiason for the respondents and appellants.*

**MONTEMAYOR, J.:**

Respondents are appealing the decision of the Court of First Instance of Manila, dated October 30, 1957, ordering them to reinstate petitioner Bienvenido Nera to his former position as clerk in the Maternity and Children's Hospital, and to pay him his back salary from the date of his suspension until reinstatement.

The facts in this case are not in dispute. Petitioner Nera, a civil service eligible, was at the time of his suspension, serving as clerk in the Maternity and Children's Hospital, a government institution under the supervision of the Bureau of Hospitals and the Department of Health. In the course of his employment, he served as manager and cashier of the Maternity Employee's Cooperative Association, Inc. As such manager and cashier, he was supposed to have under his control funds of the association. On May 11, 1956, he was charged before the Court of First Instance of Manila with malversation, Criminal Case No. 35447, for allegedly misappropriating the sum of P12,636.21 belonging to the association.

Some months after the filing of the criminal case, one Simplicio Balcos, husband of the suspended administrative officer and cashier of the Maternity and Children's Hospital, named Gregoria Balcos, filed an administrative complaint against petitioner Nera, on the basis of the criminal case then pending against him. Acting upon this administrative complaint and on the basis of the information filed in the criminal case, as well as the report of the General Auditing Office to the effect that as a result of its examination of the accounts of Nera as manager and cashier of the association, he was liable in the amount of P12,636.21, the executive officer, Antonio Rodriguez, acting for and in the absence of the Director of Hospitals, required petitioner to explain within seventy-two hours from receipt of the communication, Exhibit D, why he should not be summarily dismissed from the service for acts involving dishonesty. This period of seventy-two hours was extended to December 20, 1956. Before the expiration of the period as extended, that is, on December 19, 1956, Nera received a communication from respondent Director of Hospitals suspending him from office as clerk of the Maternity and Children's Hospital, effective upon receipt thereof. This suspension carried the approval of respondent Garcia, Secretary of Health.

The petitioner asked the PCAC to intervene on his behalf, which office recommended to respondents the lifting

of the suspension of petitioner. Upon failure of respondents to follow said recommendation, petitioner asked respondents for a reconsideration of his suspension, which request was denied. Petitioner then filed the present special civil action of prohibition, certiorari and mandamus to restrain respondents from proceeding with the administrative case against him until after the termination of the criminal case; to annul the order of suspension dated December 19, 1956, and to compel respondents to lift the suspension. After hearing of this special civil action, the appealed decision was rendered. The trial court held that petitioner was illegally suspended, first because the suspension came before he was able to file his answer to the administrative complaint, thereby depriving him "of his right to a fair hearing and an opportunity to present his defense, thus violating the due process clause"; also, that assuming for a moment that petitioner were guilty of malversation or misappropriation of the funds of the association, nevertheless, said irregularity had no connection with his duty as clerk of the Maternity and Children's Hospital.

In connection with the suspension of petitioner before he could file his answer to the administrative complaint, suffice it to say that the suspension was not a punishment or penalty for the acts of dishonesty and misconduct in office, but only as a preventive measure. Suspension is a preliminary step in an administrative investigation. If after such investigation, the charges are established and the person investigated is found guilty of acts warranting his removal, then he is removed or dismissed. This is the penalty. There is, therefore, nothing improper in suspending an officer pending his investigation and before the charges against him are heard and he given an opportunity to prove his innocence.

As to the holding of the trial court about dishonesty or misconduct in office having connection with one's duties and functions in order to warrant punishment, this involves an interpretation of Section 694 of the Revised Administrative Code, which for purposes of reference we reproduce below:

"SEC. 694. *Removal or suspension.*—No officer or employee in the civil service shall be removed or suspended except for cause as provided by law.

"The President of the Philippines may suspend any chief or assistant chief of a bureau or office and in the absence of special provision, any other officer appointed by him, pending an investigation of the charges against such officer or pending an investigation of his bureau or office. With the approval of the proper head of department, the chief of a bureau or office may likewise suspend any subordinate or employee in his bureau or under his authority pending an investigation, *if the charge against such sub-*

*ordinate or employee involves dishonesty, oppression, or grave misconduct or neglect in the performance of duty.*" (*Underlining supplied*).

It will be observed from the last four lines of the second paragraph that there is a comma after the words dishonesty and oppression, thereby warranting the conclusion that only the phrase "grave misconduct or neglect" is qualified by the words "in the performance of duty". In other words, dishonesty and oppression to warrant punishment or dismissal, need not be committed in the course of the performance of duty by the person charged.

Section 34 of Republic Act No. 2260, known as the Civil Service Act of 1959, which refers to the same subject matter of preventive suspension, throws some light on this seeming ambiguity. We reproduce said section 34:

"SEC. 34. *Preventive Suspension.*—The President of the Philippines may suspend any chief or assistant chief of a bureau or office and in the absence of special provision, any other officer appointed by him, pending an investigation of the charges against such officer or pending an investigation of his bureau or office. With the approval of the proper Head of Department, the chief of a bureau or office may likewise preventively suspend any subordinate officer or employee in his bureau or under his authority pending an investigation, if the charge against such officer or employee involves *dishonesty, oppression or grave misconduct, or neglect in the performance of duty*, or if there are strong reasons to believe that the respondent is guilty of charges which would warrant his removal from the service." (*Underlining supplied*).

It will be noticed that it introduces a small change into Section 694 of the Revised Administrative Code by placing a comma after the words "grave misconduct", so that the phrase "in the performance of duty" instead of qualifying "grave misconduct or neglect", as it did under Section 694 of the Revised Administrative Code, now qualifies only the last word "neglect", thereby making clear the legislative intent that to justify suspension, when the person charged is guilty merely of neglect, the same must be in the performance of his duty; but that when he is charged with dishonesty, oppression or grave misconduct, these need have no relation to the performance of duty. This is readily understandable. If a Government officer or employee is dishonest or is guilty of oppression or grave misconduct, even if said defects of character are not connected with his office, they affect his right to continue in office. The Government cannot well tolerate in its service a dishonest official, even if he performs his duties correctly and well, because by reason of his government position, he is given more and ample opportunity to commit acts of dishonesty against his fellow men, even against offices and entities of the Government other than the office where he is employed; and by reason of his office, he enjoys and possesses a certain influence and power which renders the victims of his grave misconduct, op-

pression and dishonesty less disposed and prepared to resist and to counteract his evil acts and actuations. As the Solicitor General well pointed out in his brief, "the private life of an employee cannot be segregated from his public life. Dishonesty inevitably reflects on the fitness of the officer or employee to continue in office and the discipline and morale of the service."

It may not be amiss to state here that the alleged misappropriation involved in the criminal case is not entirely disconnected with the office of the petitioner. True, the Maternity Employee's Cooperative Association that owns the funds said to have been misappropriated is a private entity. However, as its name implies, it is an association composed of the employees of the Maternity and Children's Hospital where petitioner was serving as an employee. Moreover, if petitioner was designated to and occupied the position of manager and cashier of said association, it was because he was an employee of the Maternity and Children's Hospital. The connection though indirect, and, in the opinion of some, rather remote, exists and is there.

The trial court cites the cases of *Mondano vs. Silvosa* (G. R. No. L-7708, May 30, 1955), *Lacson vs. Roque* (G. R. No. L-3081, October 14, 1953), and others to support its holding that an official may not be suspended for irregularities not committed in connection with his office. These cases, however, involve elective officials who stand on ground different from that of an appointive officer or employee, and whose suspension pending investigation is governed by other laws. Furthermore, an elective officer, elected by popular vote, is directly responsible only to the community that elected him. Ordinarily, he is not amenable to rules of official conduct governing appointive officials, and so, may not be forthwith and summarily suspended, unless his conduct and acts of irregularity have some connection with his office. Furthermore, an elective official has a definite term of office, relatively of short duration; naturally, since suspension from his office definitely affects and shortens this term of office, said suspension should not be ordered and done unless necessary to prevent further damage or injury to the office and to the people dealing with said officer.

In view of the conclusion that we have arrived at, we deem it unnecessary to discuss and determine the other questions raised in the appeal.

IN VIEW OF THE FOREGOING, the appealed decision is hereby reversed, with costs.

*Parás, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., Endencia, Barrera, and Gutiérrez David, JJ., concur.*

*Judgment reversed.*

**DECISIONS OF THE COURT OF APPEALS**

[No. 16046-R. July 15, 1960]

JUAN M. SERRANO, plaintiff and appellant, *vs.* DOLORES N. FLORES and THE PEOPLE'S HOMESITE & HOUSING CORPORATION, defendants and appellees.

1. OWNERSHIP; PRESUMPTION IN FAVOR OF CONJUGAL PARTNERSHIP; EXCEPTION.—The presumption that property acquired during coverture is conjugal, although the title thereto is in the name of only one of the spouses, Article 1407, Old Civil Code; *Guinguing vs. Abuton*, 48 Phil., 144; *Flores vs. Flores*, 48 Phil., 288; *Commonwealth vs. Sandiko*, 40 O. G. (No. 4) 722; *Patayon vs. Ortal*, 50 O. G. 2666, is only *juris tantum*, and such presumption is overcome once the evidence affirmatively shows that the property was acquired with money belonging exclusively to one of the spouses.
2. PUBLIC DOCUMENT; PRESUMPTION OF REGULARITY.—A public deed has in its favor the presumption of regularity as to its due execution and authenticity. To overcome it, the evidence to the contrary must be clear, strong and conclusive. *Robinson vs. Villafuerte*, 18 Phil., 171; *Jacson vs. Estacion*, 61 Phil., 1055 *El Hogar Filipino vs. Olviga*, 60 Phil., 17. 1055. *El Hogar Filipino vs. Olviga*, 60 Phil., 17.

APPEAL from a judgment of the Court of First Instance of Rizal. Yatco, J.

The facts are stated in the opinion of the Court.

*Vicente M. Magpoc*, for plaintiff and appellant.

*Arturo A. Alafritz & Associates*, for defendant and appellee Dolores N. Flores.

*First Assistant Corporate Counsel Simeon M. Gopengco* and *Attorney Romualdo Valera*, for defendant and appellee People's Homesite & Housing Corporation.

NATIVIDAD, J.:

This is an action to recover the ownership and possession of a certain residential lot, together with a house of strong materials existing thereon, situated in Quezon City. It is now before this Court on the appeal interposed by the plaintiff from the judgment therein rendered, dismissing the latter's complaint and declaring defendant Dolores N. Flores owner of said house and lot with costs.

It appears that on July 29, 1940, defendant Dolores N. Flores, with the consent of her husband Anacleto Flores, bought in her name from her co-defendant People's Homesite and Housing Corporation the residential lot involved in this action, identified as lot No. 15, Block S-57, situated in Quezon City. The price agreed upon was ₱1,543.50 payable in 10 years, with 5% interest, and in monthly installments of ₱10.18. About a year thereafter, or on November 7, 1941, Dolores N. Flores again bought from that entity, also in her own name and with marital consent,

for the sum ₱2,102.00 paid in cash, a house of strong, materials erected on said lot. Since then, the spouses Anacleto Flores and Dolores N. Flores lived in that house and paid religiously the installments due on the purchase price of the lot until the outbreak of the Pacific War.

On December 27, 1944, during the last days of the Japanese occupation, Anacleto Flores, who was left alone in the house, his wife and children having evacuated to the provinces, conveyed by way of sale with right to repurchase within two years from that date the house and lot above-mentioned to the plaintiff, Juan M. Serrano, for the sum of ₱38,500.00, Japanese occupation currency. This sum was received by Anacleto Flores, who, for the purpose, executed in favor of Juan M. Serrano a deed in which the consideration stated was ₱7,500.00, Philippine currency, instead of the true amount in Japanese occupation currency paid therefor. This deed was on that same date ratified by Anacleto Flores before Attorney Tomas B. Tadeo, then notary public for the City of Greater Manila. The plaintiff, however, had not taken any steps to have this deed recorded in the proper registry of property, nor taken possession of the house and lot thereby conveyed. But on January 2, 1945, he brought said deed, together with a letter signed by Anacleto Flores, to the office of defendant People's Homesite and Housing Corporation and asked that said transaction be approved and the corresponding annotations in its books be made. The People's Homesite and Housing Corporation disapproved this request.

Anacleto Flores died on January 13, 1945. The plaintiff thereupon took possession of the property sometime in the month of March 1945, and in the month of July of the same year rented the same to Lieutenant Walt of the United States Army.

When Dolores N. Flores came back to Quezon City sometime in the month of September 1945, she found that the lot and house were occupied by Lieutenant Walt. She identified herself to said lieutenant as the owner thereof and asked him how he happened to occupy the same. Lieutenant Walt pointed to plaintiff Juan M. Serrano as the party who rented the premises to him. Dolores N. Flores thereupon sought the plaintiff for an explanation. The latter confronted her with the deed of sale with right to repurchase dated December 27, 1944, executed by her deceased husband Anacleto Flores. Dolores N. Flores told the plaintiff that she could not recognize that transaction as she had not authorized her husband to dispose of her property, but to avoid further trouble, she offered to the plaintiff the sum of ₱500.00. The latter rejected this offer. Lieutenant Walt allowed Dolores N. Flores to occupy the ground floor of the house. Shortly thereafter, Lieutenant Walt vacated the house and since then

up to the present Dolores N. Flores has been occupying the premises to the exclusion of the plaintiff.

Dolores N. Flores did not make any attempt whatsoever to redeem the house and lot in question within the period provided therefor in the deed of sale with right to repurchase of December 27, 1944, or at any time thereafter. She, however, continued paying the installments due on the purchase price of the lot, and finally completed payment thereof on February 27, 1954.

On August 21, 1946, the plaintiff again forwarded to the People's Homesite and Housing Corporation copy of the deed of sale with right to repurchase of December 27, 1944, and once more asked that whatever rights defendant Dolores N. Flores may have in the lot and house in question be transferred in its books in his name. This request was again denied. A request for a reconsideration of this decision was made, and at first, the People's Homesite and Housing Corporation was inclined to reconsider it, but due to the opposition of Dolores N. Flores, said entity finally decided to hold in abeyance further action on the matter until after the controversy shall have been passed upon by the courts, and suggested that the parties initiate such action. Dolores N. Flores filed the necessary action, but the same was dismissed for lack of interest. With the dismissal of that action, the plaintiff again wrote a letter to the People's Homesite and Housing Corporation reiterating his request that the property in question be recorded in its books in his name, and that it receive payment for whatever balance there may be due on the purchase price of said property. The People's Homesite and Housing Corporation again refused to act on this request. Hence the instant action.

The main question for determination in this appeal is whether or not the trial court erred in declaring the house and lot involved in this action the exclusive paraphernal property of defendant-appellee Dolores N. Flores. Around this main proposition center all the secondary questions raised in appellant's brief.

Counsel for the appellant contends that the trial court erred in not declaring that the house and lot in question belonged to the conjugal partnership of appellee Dolores N. Flores and her deceased husband Anacleto Flores; that the disposal thereof by the latter in the deed of sale with right to repurchase of December 27, 1944, was valid and binding upon appellee Dolores N. Flores; and that, consequently, appellant's ownership of said properties has become consolidated because of the failure of appellee Dolores N. Flores to repurchase the same within the period stipulated in that deed.

We do not share counsel's view. We agree with counsel that it is a well-settled rule in this jurisdiction that in the absence of affirmative evidence to show that the acquisi-



tion was made with money belonging to one of the spouses, property acquired during coverture shall be presumed conjugal, although the title thereto has been taken in the name of only one of them. Article 1407, Old Civil Code; *Cuinguing vs. Abuton*, 48 Phil., 144; *Flores vs. Flores*, 48 Phil., 288; *Commonwealth vs. Sandiko*, 40 O. G. (No. 4) 722; *Patayon vs. Ortal*, 50 O.G. 2666. Such presumption however is only *juris tantum*, and is overcome once the evidence affirmatively shows that the property was acquired with money belonging exclusively to one of the spouses. We likewise agree with him that the deed of December 27, 1944, is authentic. Said deed is a public deed and has in its favor the presumption or regularity as to its due execution and authenticity, which can only be overcome by clear, strong and conclusive evidence to the contrary, *Robinson vs. Villafuerte*, 18 Phil., 171; *Jocson vs. Estacion*, 61 Phil., 1055; *El Hogar Filipino vs. Olviga*, 60 Phil., 17, and the evidence in this case has not destroyed that presumption. Appellee Dolores N. Flores claims that the letter "F" of the surname Flores in the signature stamped on the deed was not the usual form in which her husband in his lifetime used to write said letter of his surname, and that it was unusual that the deceased Anacleto Flores, who was a man of culture (he was a University graduate and professor for several years in different schools in the City), had, besides signing said deed, further thumbmarked it. These circumstances, however, are not sufficient to overcome the presumption of validity and genuineness which the law attaches to public deeds.

But, the validity of said deed notwithstanding, we do not see how appellant's contention could be upheld. Appellee Dolores N. Flores testified that the money with which she acquired the house in question came from the ₱3,000.00 which in the month of May 1940 her mother Pia Mina gave her as her share in the estate of her deceased father Gregorio Navarro; that the lot in question was bought by her in her own name with the consent of her husband and paid the initial instalment of the purchase price thereof and those that matured before the outbreak of the Pacific War with savings derived from her salary as school teacher; that during said period, her husband had no income of any nature, as since 1937 he had been unemployed due to the fact that he was afflicted with leprosy; that she paid the instalments of the purchase price of said lot that matured after the war with her salary and backpay as a school teacher in the Bureau of Public Schools. The statement of appellee Dolores N. Flores on how she acquired that house is corroborated by her sister Maximiana Soliven and her mother Pia Mina whose statements have not been contradicted. There is, therefore, sufficient evidence to show that said appellee acquired the house in question with her

own exclusive money, her share in the estate of her deceased father Gregorio Navarro, which she did not contribute to the conjugal funds; and as regards the lot in question, while the initial payment and the instalments that fell due prior to the outbreak of the Pacific War were part of her income during coverture with her deceased husband Anacleto Flores and consequently part of the conjugal partnership funds, nevertheless, the latter, in consenting that it be used by said appellee to acquire the lot in question in her name, evidently waived his right, which is waivable, to consider said portion of her salary as conjugal property, and consented that it become paraphernal property of his wife. Moreover, all that was acquired by said appellee during the lifetime of her deceased husband was the right to purchase said lot. The full ownership thereof was only acquired by her when she completed payment of the purchase price thereof and the necessary deeds of conveyance in her favor were executed in the year 1954, about nine years after the demise of her husband Anacleto Flores.

We, therefore, hold that the trial court did not commit error in finding that the properties in question were the exclusive paraphernal properties of appellee Dolores N. Flores; that the conveyance thereof by way of sale with right to repurchase executed by the deceased Anacleto Flores in favor of the appellant on December 27, 1944, did not affect said appellee's right of ownership thereof, nor validly convey any right to said appellant over said properties, and that the failure of the said appellee to exercise the right to redeem the property within the period stipulated in that deed did not produce any adverse judicial effect on the rights of appellee Dolores N. Flores.

The conclusion thus arrived at renders unnecessary further discussion of the other issues raised in the other assignments of error found in appellant's brief. The right of ownership of appellee Dolores N. Flores of the properties involved in this action having remained unaffected by the deed of sale with right to repurchase of December 27, 1944, it becomes immaterial whether the appellant had exercised acts of ownership of the properties under that deed and had taken steps to have his claim of ownership thereto recorded in the books of the People's Homesite and Housing Corporation and offered to pay whatever balance of the purchase price of said properties remained unpaid.

WHEREFORE, the judgment appealed from, being in accordance with law and supported by the evidence, is hereby affirmed, with the costs taxed against the appellant.

IT IS SO ORDERED.

*Sanchez and Angeles, JJ., concur.*

*Judgment affirmed.*

[No. 00004-R. July 14, 1960]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, *vs.*  
MIGUELA HALILI, accused and appellant.

1. CRIMINAL LAW; SLANDER; ELEMENTS.—In cases of slander, the language imputing the vice, defect, act, omission or circumstance tending to cause dishonor, discredit or contempt of a person, must be defamatory and the person defamed must be clearly definite and identified. The identification is not clear and definite where the complainant was being followed closely by other pedestrians at a moment when the accused uttered the slanderous words, notwithstanding the fact that the two of them are not in good terms and the complainant was of the impression or belief that the prefix "Mrs." used in the alleged defamatory phrase referred to her.
2. CRIMINAL PROCEDURE; SLANDER; INFORMATION; JURISDICTION.—Where the slanderous phrase does not definitely indicate an adulterous act on the person defamed but merely constitutes, at most, a slur to one's reputation or dignity, the information need not be signed by the complainant in order to confer jurisdiction upon the trial court as the offense charged is one that may be prosecuted *de-officio*. (*People vs. Santos, et al.*, G. R. Nos. L-7316-7317, Dec. 19, 1955).

APPEAL from a judgment of the Court of First Instance of Manila. Lucero, *J.*

The facts are stated in the opinion of the Court.

*Felipe B. Pagkanlungan*, for accused and appellant.

*Solicitor General Edilberto Barot* and *Solicitor Emerito*

*M. Salva*, for plaintiff and appellee.

PEÑA, *J.*:

Miguela Halili was charged in the Municipal Court of Manila with the crime of *slander* in an information that was filed and signed by the investigating fiscal which reads as follows—

"That on or about the 19th day of December, 1954, in the City of Manila, Philippines, the said accused did then and there wilfully, unlawfully, feloniously and publicly utter slanderous words and expressions such as "Ayan pustura na naman si Mrs., para mabili siya; simba nang simba torotot naman ang labas". and other words and expressions of similar import against one Ana N. Acosta, thereby bringing the latter into public contempt, discredit and ridicule."

Pleading not guilty to the information, she underwent trial. Thereafter, she was found guilty as charged and sentenced to pay a fine of P50.00, with the corresponding subsidiary imprisonment in case of insolvency, with costs against her. On appeal to the Court of First Instance of Manila, and after due trial, she was sentenced to pay a fine of P75.00, with the subsidiary imprisonment in case of insolvency and to pay the costs.

From the aforesaid decision, the accused appealed again and now maintains, among other things, that the lower court erred—

"In not realizing from the evidence on record that even granting that the accused had in fact uttered the defamatory words alleged in the information, yet the word "Mrs." is too generic and too general a term and does not refer with certainty and clarity to the intended victim of the slander."

The evidence for the prosecution tends to show that at about 6:30 in the morning of December 19, 1954, while complainant Ana N. Acosta, a public school teacher by profession, was in front of her store on M. Natividad Street, accused Miguela Halili, who was then under shed of her store which was opposite to that of the former store, uttered the following remarks: "Ayan pustura na naman si Mrs., para mabili siya; simba nang simba, torotot naman ang labas". As according to the complaining witness, the slanderous words were directed and addressed to her, although she was followed closely by other pedestrians who also came from the church, she felt insulted but refrained from confronting the accused at that moment to avoid scandal. Instead, she just proceeded upstairs of her house where she cried. Although complainant's name was not mentioned, she was of the impression that the prefix word "Mrs." employed by the accused could not refer to anybody else but to her alone, claiming that the accused had nourished a grudge against her. For on September 10, 1954, there was an altercation between the husband of the complainant on one hand and the accused on the other when he tried to collect the indebtedness of the latter.

On the other hand, accused Miguela Halili denied having slandered the complainant on the date and place aforementioned, claiming in exculpation that the version was merely fabricated, for the complainant resented the refusal of the former to confirm any information about the rumor that the latter's husband had clandestine relation with a customer named Ligaya.

Indeed, the alleged slanderous statement "Ayan pustura na naman is Mrs., para mabili siya; simba nang simba torotot naman ang labas", which was the basis of her conviction in the court below, does not appear to have been addressed to a determinate person, or, as in this case, to the complainant herself. While it may be true that the complainant and herein accused are not in good terms, we cannot safely conclude that the former was the person defamed despite the impression or belief of the complainant that the prefix word "Mrs." used in the alleged defamatory phrase referred to herself. For the evidence of record reveals that the same was said to have been uttered by the accused at the moment when the complainant was followed closely by other pedestrians who likewise came from the church and there were many passersby then who were doing their market business.

This circumstance was substantially affirmed by the very complainant as well as by her lone witness named Asuncion Rosero. Therefore, and since in cases of this nature, the vice, defect, act, omission or circumstance tending to cause the dishonor, discredit or contempt of a person, requires that the language used must be defamatory and the person defamed should be clearly definite and identified we are constrained to hold and declare that in the light of the evidence thus presented, the prosecution has not established beyond reasonable doubt the guilt of the accused. It has been held that "although the defamation may be direct or indirect or in the form of allusion it must nevertheless be positive, that is, it must express the idea or element punished by the law" (People vs. Raagas, 65 Phil. 639).

We do not agree with the observation of the Solicitor General that jurisdiction will creep into this case as the information was not signed by the complaining witness but by the assistant city fiscal. Stated in another way, the Solicitor General maintains that the instant case cannot be prosecuted *de officio* as it imputes the commission of a crime of adultery and concubinage. However, a close reference to the slanderous phrase particularly "Ayan pustura na naman si Mrs., para mabili siya" does not at all definitely indicate an adulterous act on the person defamed. On the contrary, this vernacular idiomatic expression, which is used in the future tense, constitutes at most a slur to one's reputation or dignity. Consequently, the information need not be signed by the complainant to confer jurisdiction to the trial court as the offense charged is one that may be prosecuted *de-officio* in the same manner that—

"A libel imputing a defect or vice, real or imaginary, which does not constitute a crime but brings into disrepute, scorn, or ridicule or tends to cause him dishonor, discredit, or contempt, does not come under the last paragraph of article 360 of the Revised Penal Code which provides that "No criminal action for defamation which consists in the imputation of a crime which cannot be prosecuted *de officio* shall be brought except at the instance of and upon complaint expressly filed by the offended party". \* \* \*. Hence, the information filed by the Assistant Provincial Fiscal of Nueva Ecija charging the defendants with libel which consists of an imputation of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person, are sufficient in law to confer jurisdiction upon the court to try the defendants charged with the crime." (People vs. Santos et al., G. R. Nos. L-7316-7317, Dec. 19, 1955).

From the aforequoted ruling of the Supreme Court on matter of filing a complaint if the crime imputed may be prosecuted *de officio*, it is obvious that the cases cited by

the Solicitor General have no application in the case at bar.

WHEREFORE, the decision appealed from is hereby set aside and another entered, acquitting accused-appellant from the offense charged, with costs *de officio*.

IT IS SO ORDERED.

*Hernandez and Amparo JJ., concur.*

*Judgment reversed.*

[Nos. 00135-R and 00136-R. July 23, 1960]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee,  
*vs. Villafuerte*, 18 Phil., 171; *Jocson vs. Estacion*, 61 Phil.,

CRIMINAL LAW; SELF-DEFENSE; REASONABLENESS OF THE MEANS EMPLOYED TO REPEL UNLAWFUL AGGRESSION; TEST.—The reasonableness of the means employed to repel an unlawful aggression does not imply a physical suitability or commensurability between said means and those used by the illegal attacker; it should be gauged by appellant's honest and sincere belief of the imminence of the great bodily harm he tried to ward off (*People vs. Mangantilao*, 53 Phil. 217). It "does not depend upon the harm done, but rests upon the imminent danger of such injury." (*U. S. vs. Paras*, 9 Phil. 367).

APPEAL from a judgment of the Court of First Instance of Pangasinan. San Diego, J.

The facts are stated in the opinion of the Court.

*Daniel G. de Leon*, for accused and appellant.

*Assistant Solicitor General Esmeraldo Umali* and *Solicitor Lauro C. Maiquez*, for plaintiff and appellee.

CABAHUG, J.:

As a consequence of a stabbing affray in which Ricardo Sison was slain and Modesto Sison was wounded, Roque G. de Leon, Daniel G. de Leon, Antonio G. de Leon and Orestes Sabido were charged with the crimes of murder and frustrated murder in Criminal Cases Nos. 19497 and 19498, respectively, of the Court of First Instance of Pangasinan. After trial upon a plea of not guilty, Roque and Antonio de Leon and Orestes Sabido were acquitted in both cases, while Daniel de Leon was convicted of homicide in the first case and sentenced to suffer an indeterminate penalty of from 2 years, 4 months and 1 day of *prision correccional*, to 7 years and 4 months of *prision mayor*, and to indemnify the heirs of the deceased Ricardo Sison in the sum of ₱6,000.00. In the second case, Daniel de Leon was also found guilty of the crime of serious physical injuries and was condemned to undergo an indeterminate (?) penalty of from 28 days of *arresto menor* to 4 months of *arresto mayor*, and to indemnify Modesto Sison in the amount of ₱2,650.00 with the corresponding subsidiary imprisonment in case of insolvency. He was also ordered to pay one-fourth of the costs in each of the two cases.

This is the appeal of the convicted defendant, who now contends that the lower court erred in: (a) finding as unreasonable the means employed by him in repelling the aggression; (b) not acquitting him of the crime charged; and (c) imposing upon him penalties above the proper legal range.

It is not disputed that in the afternoon of April 29, 1952, Roque G. de Leon, his wife and three small children



went to the Plaza Theater in Bayambang, Pangasinan, which was managed by Modesto Sison with the assistance of his brother Ricardo Sison. During the show, the bench on which the children were sitting broke, and the youngest of the children cried. Roque de Leon called the attention of Ricardo Sison to the decrepit condition of the bench which was subsequently taken out by Ricardo Sison. When the De Leon family emerged from the movie house, Ricardo Sison, pointing to the chair, asked Roque de Leon: "Is this the chair that you say is in bad condition? Look at it." An exchange of words and a fight ensued, as a result of which Modesto Sison sustained an abdominal wound which later caused his death, while Ricardo Sison received three stab wounds on his back, which wounds required medical treatment for 42 days and also incapacitated him for the same period.

The prosecution however claimed that minutes after Roque de Leon and his companions left the theater, he returned with his wife and his grown-up sons Antonio and Daniel, and his nephew Orestes Sabido. Roque then immediately ordered his sons and his nephew to attack Ricardo Sison, whom Orestes stabbed in the abdominal region; and Modesto, who wanted to succor his fallen brother, was wounded by Antonio. On the other hand, the defense contended that during the heated discussion between Roque de Leon and Ricardo Sison, somebody advised the latter to be more considerate to the former, he being a school teacher. Instead, Ricardo uttered slanderous and derogatory remarks against teachers in general, which remarks irked Roque de Leon, who made a move to box Ricardo Sison. Coming to the assistance of Ricardo, Modesto Sison held Roque's neck while Ricardo went inside the theater, reappearing therefrom with an iron pipe with which he wanted to strike Roque, who was still in Modesto's grip. Mrs. De Leon, in trying to defend her husband, intercepted Ricardo, only to be pushed aside and sent sprawling to the ground. At that precise moment, Daniel de Leon and Orestes Sabido happened by and immediately rushed to the scene of the struggle; and with the knife he had with him, Daniel stabbed Ricardo Sison once and Modesto thrice until the latter released his hold on Roque's neck. Meanwhile, Orestes was busy reviving Mrs. de Leon, who had fainted, and then brought her and the three kids to their house. The defense alleged further that at the time of the incident, Antonio de Leon was in Manila looking for a job.

After carefully weighing the evidence and observing the conduct of the witnesses in order to accurately gauge their credibility, the trial court gave full credence to the version of the defense and acquitted, as hereinbefore mentioned, Roque G. de Leon, Antonio G. de Leon and Orestes Sabido. In convicting Daniel G. de Leon, the

court below, citing article 11, paragraph 2 of the Revised Penal Code, found that there was unlawful aggression on the part of Modesto Sison, and that appellant "had no part in the provocation which was started by the Sison brothers." However, the same court added, with respect "to the element of 'reasonable necessity of the means employed to prevent or repel it' (the aggression), the Court does not see its way completely clear to exonerating the accused Daniel de Leon from the consequences of his act." The trial judge opined that the use of a knife by appellant "was not reasonable since he could, with the help of his cousin Orestes Sabido, with his fists and those of Orestes', have gone to the help of his father, and successfully."

While we agree to the trial court's findings of fact, fully supported by the evidence on record as they were ably and conscientiously evaluated by the presiding judge, we cannot in conscience agree to the ruling that "A man similarly situated as Daniel was at the moment that he saw Modesto squeezing his father's neck and Ricardo in the act of striking his father, would have thought twice before using a knife on his aggressors." In the face of these circumstances which indisputably were awfully and imminently dangerous to the life of appellant's progenitor, certainly appellant could not have had enough time nor sufficient tranquility and presence of mind to think and to select the proper weapon to use in repelling the threat to his father's life. For in a matter of a wink of an eye, the life of Roque, who was still helpless in the grip of Modesto, would have been easily snuffed out by the iron pipe in Ricardo's hands. As our Supreme Court said:

"In emergencies of this kind, human nature does not act upon processes of formal reason but in obedience to the instinct of self-preservation; and when it is apparent that a person has reasonably acted upon this instinct, it is the duty of the courts to sanction the act and to hold the actor irresponsible in law for the consequences." (People vs. Lara, 48 Phil. 153.)

The reasonableness of the means employed to repel an unlawful aggression does not imply a physical suitability or commensurability between said means and those used by the illegal attacker; it should be gauged by appellant's honest and sincere belief of the imminence of the great bodily harm he tried to ward off (People vs. Mangantilao, 53 Phil. 217). And it "does not depend upon the harm done, but rests upon the imminent danger of such injury." (U. S. vs. Paras, 9 Phil. 367.)

It is to be noted that, as correctly found below, appellant used his knife only once on Ricardo, who was then about to hit appellant's father, and thrice on Modesto until the latter released his hold on Roque de Leon's neck; and that appellant promptly left the scene when he saw that there

was no more danger to his father's life and that his mother and younger kin were being taken care of by his cousin Orestes Sabido. This circumstance irrefutably shows that appellant, in wielding his knife, was spurred by his honest and sincere belief that it was the only way left for him to prevent his father's death.

We doubt if appellant could have saved his father from the latter's assailants by using only his bare hands. Had appellant tried to do so, not only his father, but also appellant himself, would most certainly have come out of the melee with broken crania and bones, if not altogether killed, at the hands of Ricardo and his two-foot long iron pipe. And Orestes Sabido could not have been expected to aid appellant, because Orestes was busy reviving appellant's mother aside from being burdened with the smallest of the three kids in his arms while the other two clung to his legs.

In view of the foregoing, we are of the opinion and so hold that appellant is entitled to a verdict of acquittal from the crimes of which he was convicted below, committed under the circumstances specified in the aforecited article and number of the Revised Penal Code.

Having arrived at this conclusion, it becomes unnecessary to pass upon the last assigned error. Nevertheless, it should be stated here that pursuant to Act 4103, an amended, indeterminate penalty is not imposable when the maximum term of imprisonment does not exceed one year.

WHEREFORE, and in accordance with the recommendation of the solicitor general, the judgment appealed from is hereby reversed and appellant is acquitted, with costs *de oficio*.

IT IS SO ORDERED.

*Dizon and Makalintal, JJ., concur.*

*Judgment reversed.*

[No. 27345-R. June 23, 1960]

CHIONG BU HONG, petitioner, *vs.* BIENVENIDO TAN, in his capacity as Judge of the Court of First Instance of Manila, et al., respondents.

1. CERTIORARI; CONTEMPT; LACK OF JURISDICTION OF COURT ISSUING ORDER; EFFECT; WAIVER.—The power to punish for contempt should be used sparingly, with caution, deliberation, and with due regard to the provisions of the law and the constitutional rights of the individual. Disobedience of, or resistance to, a void mandate, order, judgment, or decree, or one issued by a court without jurisdiction of the subject-matter and parties-litigant, is not contempt, and where the court has no jurisdiction to make the order, no waiver can cut off the rights of the party to attack its validity. (U. S. Federal Trade Commission *vs.* Fairyfoot Products Co., 94 F. 3d, 844; 17 C. J. S. p. 19, note 34.)
2. ID.; EXECUTION OF JUDGMENT; EXAMINATION OF JUDGMENT DEBTOR; CONTEMPT; EXCESS OF JURISDICTION.—A judgment debtor can only be required to appear and answer concerning his property and income before the Court of First Instance of the province in which he resides or is found, so that an order issued by any other Court of First Instance declaring such judgment debtor in contempt and ordering his arrest for failure to appear for such examination is null and void as issued in excess of jurisdiction.

ORIGINAL ACTION in the Court of Appeals. Certiorari and prohibition with preliminary injunction.

The facts are stated in the opinion of the Court.

*Yap, Leonin & Yap*, for petitioner.

*Nubla and Pedrosa*, for respondents.

ANGELES, J.:

This is a petition for a writ of certiorari to the Court of First Instance of Manila, branch XIII, presided over by the respondent judge, to review and, after a hearing, to set aside the order of the said respondent, dated March 16, 1960, which is as follows:

“When this case was called this morning for the purpose of examining the judgment debtor, said judgment debtor, Chiong Buhong, failed to appear relying on the motion for reconsideration he sent to this Court. The defendant has no right to believe or to conclude that the presentation of this motion excused him from complying with the order of this Court dated November 27, 1959, to appear before this Court and be examined as a judgment debtor, which examination was transferred to February 3, 1960, at 8:00 o'clock in the morning. Considering that on this latter date, the defendant Chiong Buhong failed to appear, the Court found him guilty of contempt and ordered him to appear today to explain why he should not be punished accordingly. Having failed to comply with the orders of this Court on November 27, 1959 and on February 3, 1960, the Court hereby finds the defendant guilty of contempt and orders his arrest. He shall be arrested and shall remain under confinement until he complies with the order of the Court dated November 27, 1959”.

for a writ of prohibition against the same respondent commanding him to desist from further proceeding in the action, and for a writ of preliminary injunction enjoining the PC Provincial Commander of Ozamis City from executing and enforcing the warrant of arrest against the petitioner. Petitioner having posted a bond of ₱1,000.00 as required in a resolution of this Court, the writ of preliminary injunction was issued.

The antecedent and pertinent facts which gave rise to the issuance of the foregoing order are the following:

A suit for the recovery of a sum of money was filed in the Court of First Instance of Manila by the Oriental Auto Supply Co., respondent herein, against Chiong Bu Hong, petitioner. As averred in the complaint, the defendant Chiong Bu Hong is "doing business under the name and style of 'Misamis Enterprise' with business address at Burgos street, Ozamis City (Misamis Occidental) where the latter may be served with summons." In the petition, it is stated, and this is not traversed by the respondents, that the summons and complaint were served upon the defendant at his place of residence at Ozamis City by the sheriff of Misamis Occidental. For failure to answer the complaint within the reglementary period, the defendant was declared in default. After a trial of the case, judgment was rendered against the defendant and in favor of the plaintiff ordering the former to pay to the latter the sums of ₱3,388.40 with legal interest and ₱847.10 as actual damages and the costs of the suit. After the judgment had become final and executory, a writ of execution was issued. The writ was forwarded to the sheriff of Misamis Occidental for compliance. After due investigation by the sheriff, no property of the defendant was found. The sheriff's return of the writ of execution stated that the defendant was insolvent, and that the store under the name and style of "Misamis Enterprise" was burned during the fire which destroyed a major portion of Ozamis City.

On November 5, 1959, the plaintiff filed a motion for examination of the defendant under the provisions of Section 34, Rule 39, of the Rules of Court which provides:

"EXAMINATION OF JUDGMENT DEBTOR WHEN EXECUTION RETURNED UNSATISFIED.—When an execution issued in accordance with law against property of a judgment debtor, or any one of several debtors in the same judgment, is returned unsatisfied, in whole or in part, the judgment creditor, at any time after such return is made, shall be entitled to an order from a judge of the Court of First Instance of the province in which the judgment was rendered or from which the execution was returned, requiring such judgment debtor to appear and answer concerning his property and income before such Judge of the Court of First Instance or before a commissioner appointed by him, at a specified time and place; and such proceedings may thereupon be had for the application of the property and income of the judgment debtor toward the satisfaction of the judgment. But no judgment debtor shall be so required to appear be-

fore a judge of first instance or commissioner out of the province in which such debtor resides or is found."

Copy of the motion was sent to the defendant at his place of residence at Burgos street, Ozamis City. The motion was granted by the court. In a supplementary order dated November 27, 1959, the examination of the defendant was set in the City of Manila before the respondent Judge for December 16, 1959, at 8:00 a.m. sharp, with a directive to serve a copy of the order on the defendant at his place of business ("Misamis Enterprise") at Burgos street, Ozamis City. The hearing on the examination of the defendant on the date designated was postponed to February 3, 1960, for the reason that the proof of service of the order on the defendant was lacking. The defendant failed to appear in court on February 3, whereupon the court, on the same date, issued an order declaring the defendant guilty of contempt, and subsequently another order was issued requiring him to appear on March 16, 1960, at 8:00 o'clock in the morning, to show cause why he should not be punished accordingly.

On March 8, 1960, the defendant filed a motion for reconsideration of the order finding him guilty of contempt of court and of the subsequent order requiring him to appear in court on March 16, and as reason in support of the motion, the defendant cited the provisions of Section 34, Rule 39, of the Rules of Court. Acting on the motion for reconsideration, the court denied the same in the order transcribed in full hereinabove.

From the foregoing facts, it clearly appears that the respondent judge exceeded his jurisdiction and committed gross abuse of discretion in declaring the petitioner guilty of contempt of court and in ordering his arrest.

"To compel obedience to its judgments, orders, and processes \* \* \*" (Section 5, Rule 124, of the Rules of Court) is one of the inherent powers of the courts. It is essential to their existence. Without it, courts cannot survive. The courts cannot accomplish their purpose if they are powerless to enforce their orders or judgments, or to compel obedience thereto. Disobedience to court orders constitutes contempt of court, and is punishable. The power to punish for contempt is inherent in all courts. It is necessary to the execution of their powers and to the maintenance of their authority. It is a part of the law of the land.

The power to punish for contempt, however, should be used sparingly, with caution, deliberation, and with due regard to the provisions of the law and the constitutional rights of the individual. Disobedience of, or resistance to, a void mandate, order, judgment, or decree, or one issued by a court without jurisdiction of the subject-matter and

parties-litigant, is not contempt, and where the court has no jurisdiction to make the order, no waiver can cut off the rights of the party to attack its validity. (U.S. Federal Trade Commission *vs.* Fairyfoot Products Co., 94 F. 3d, 844; 17 C.J.S. p. 19, note 34.) The rule is well-settled that in order that a person may be held guilty of contempt under Rule 64, Section 3 (B), of the Rules of Court (disobedience of or resistance to a lawful writ, process, order, judgment, or command of a court, or injunction granted by a court or judge;), it must be established that the act committed by a person constituted a disobedience, or resistance to, a lawful writ, order or process of a competent court, addressed to such person and clearly and explicitly defining the act required of him (*People vs. Rosendo Rollan et al.*, CA-G.R. No. 13296-R, April 20, 1956).

The law applicable to the case at bar sets up the limitation to the judicial power that no judgment debtor shall be required to appear and answer concerning his property and income before a judge of first instance or commissioner out of the province in which such debtor resides or is found. The facts of the case clearly show that the residence, legal and physical, of the judgment debtor, even for some time prior to the filing of the case in court, and during and until the order complained of was issued, was and has been at Burgos street, Ozamis City, within the territorial jurisdiction of the Court of First Instance of Misamis Occidental, and outside the jurisdiction of the court presided over by the respondent judge. Neither was the judgment debtor ever found within the city of Manila. Clearly, the respondent judge exceeded his jurisdiction in declaring the judgment debtor, herein petitioner, guilty of contempt for disobedience to his orders to appear for examination of his property and income, and in ordering his arrest for his failure to comply therewith.

WHEREFORE, the orders of the respondent judge requiring the petitioner to appear in the Court of First Instance of Manila for examination of his property and income, declaring him guilty of contempt of court for disobeying said order, and commanding his arrest, are hereby set aside as null and void. Costs are taxed against the respondent Oriental Auto Supply Company.

IT IS SO ORDERED.

*Natividad and Sanchez J.J.*, concur.

Petition granted.



## LEGAL AND OFFICIAL NOTICES

### Courts of First Instance

#### [FIRST PUBLICATION]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF AGUSAN  
FIFTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 30.—*In the matter of the petition for Filipino citizenship. FELIPE ONG YEK PIN, applicant.*

#### NOTICE OF HEARING

To the Honorable Solicitor General, Manila; Felipe Ong Yek Pin, petitioner, Ba-an, Butuan City; Atty. Gabriel R. Banaag, counsel for petitioner, Butuan City; and to all whom it may concern:

Whereas, a petition for Filipino citizenship in accordance with the provisions of Commonwealth Act No. 473, as amended, has been presented by applicant Felipe Ong Yek Pin, who alleges: that his present place of residence is Ba-an, Butuan City, his former place of residence was Ozamis, Misamis Occidental; that he is a businessman-employee with an annual income of P7,200.00, more or less; that he was born on September 15, 1928 in Amoy, China, emigrated to the Philippines from Amoy on the vessel *Tungson* on June 10, 1936 arriving at Cebu City. Since then he resided continuously in the Philippines, formerly in Misamis Occidental and later in Butuan City for more than 10 years; he is a citizen of the Nationalist Republic of China and is married to Boody Siao, now living with him in Ba-an, Butuan City and with whom he has four children namely: Ellaine Ong, born on April 24, 1956 in Cebu City, Winnie Ong, Albert Ong and Herbert Ong, all born in Butuan City on August 20, 1957, April 5, 1959 and March 19, 1961, respectively; that he can speak, write and read in the English language and in one of the principal Philippine languages; he believes in the principles underlying the Philippine Constitution, conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community in which he is living; he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipinos.

He has all the qualifications required under section 2 and none of the disqualifications under section 4 of Commonwealth Act No. 473. He is not opposed to organized government nor is he affiliated with any association of persons, who adheres to doctrines

opposing organized governments; he is not a polygamist nor a believer in the practice of polygamy, has not been convicted of any crime involving moral turpitude nor is he suffering from any incurable contagious disease. He is at present a citizen or subject of the Nationalist Republic of China to which government the Philippines is not at war and under whose laws Filipinos are granted the right to become naturalized citizens or subjects thereof. It is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly to the Nationalist Republic of China of which he is a citizen or subject and will reside in the Philippines from the date of the filing of this petition up to the time of his admission to Philippine citizenship, citing as witnesses Messrs: Godiardo Guillen, Teofilo Montilla, Andres Rubio and Pedro Zapatos, all of age, Filipino citizens and residents of Butuan City and whom he proposes to testify at the hearing of this petition.

Wherefore, you are given notice that this petition will be heard by this Court on November 22, 1961 at 8:30 a.m., at Butuan City, Philippines. Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the newspaper, the *Nueva Era* edited in the City of Manila and of general circulation in this province of Agusan and Butuan City, for three consecutive issues in the *Official Gazette* and, also let copy of this notice be posted in a conspicuous place in the office of the Clerk of Court.

Witness the Hon. Montano A. Ortiz, Judge of this Court, at the City of Butuan, Philippines, this 24th day of March, 1961.

MACARIO C. CONDE

[17-19]

Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF THE CITY OF BAGUIO  
SECOND JUDICIAL DISTRICT

NATURALIZATION CASE No. 77.—*In the matter of the petition to be admitted a citizen of the Philippines. PERFECTO TIONG CHEEKIAN (PERFECTO S. TIONG), petitioner.*

#### NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Attys. Reyes and Cabato, counsel for the petitioner,

Baguio; Mr. Perfecto Tiong Cheekian (Perfecto S. Tiong) No. 14 Rajah Soliman Street, Baguio City; and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court by Perfecto Tiong Cheekian (Perfecto S. Tiong), who alleges among others: that his full name is Perfecto Tiong Cheekian (Perfecto S. Tiong); that his present place of residence is No. 14 Rajah Soliman Street, City of Baguio, since 1940, and his former residence was Manila; that his trade or profession is an employee in which he derives an average annual income of P2,400.00; that he was born on the 18th day of April, 1936, in Manila, Philippines, and is at present a citizen or subject of Nationalist China, under whose laws Filipinos may become naturalized citizens or subjects thereof; that he is single and without any child; that he has resided continuously in the Philippines since his birth in 1936, and in the City of Baguio, for a term of twenty years at least, immediately preceding the date of this petition, to wit, since 1940; that he is able to speak and write English and Tagalog; that he is entitled to the benefits of section 3 of Commonwealth Act No. 473, which reduces to five years, the ten years of continuous residence required by paragraph two of section 2 of said Act, for having been born in the Philippines; that he has all the qualifications required under section 2 and none of the disqualifications under section 4 of Commonwealth Act No. 473; that he has not heretofore made petition for citizenship to any court; that he cites Messrs. Onofre Alabanza and Telesforo A. Tangalin, both of legal age, residents of Guisad, Baguio, Philippines, who are Filipino citizens, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court, at its session hall, Baguio City, Philippines, on the 18th day of November, 1961, at 9:00 o'clock in the morning.

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks, in the *Official Gazette* and the *Baguio Midland Courier*, a newspaper of general circulation in the City of Baguio and Mountain Province where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court of this Court.

Witness the Hon. Jesus de Veyra, Judge of this Court, this 15th day of March, 1961.

FERNANDO R. ROMERO  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF BOHOL  
FOURTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE NO. 425.—*In the matter of the petition of NERIO TAN and also known as NERIO (BING) TAN to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Nerio Tan, petitioner, Garcia-Hernandez, Bohol; Atty. Perfecto V. Galido, counsel for the petitioner, Garcia-Hernandez, Bohol, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended has been presented to this Court of First Instance of Bohol, by Nerio Tan also known as Nerio (Bing) Tan, who alleges that he was born in Garcia-Hernandez, Bohol, Philippines on May 12, 1939; that he is actually a resident of Garcia-Hernandez, Bohol and is at present a citizen or subject of the Nationalist Republic of China under whose laws Filipinos may become naturalized citizens or subjects thereof; that he has resided continuously in the Philippines for a term of 22 years at least immediately preceding the date of this petition, to wit: since birth, May 12, 1939 up to the present in the municipality of Garcia-Hernandez, Bohol, Philippines; that he is single; that he is able to speak and write English and the Visayan (Cebuano) dialect which is one of the principal Philippine languages; that his trade or profession is radio technician and salesman of the William Radio & Electrical Supply, Cebu City, from which he derives a yearly income of P3,000.00, that he is exempt from filing the declaration of intention to become a citizen of the Philippines he having been born in the Philippines, continuously residing therein since birth, and having received his primary, secondary and college education in schools recognized by the Government and not limited to any race or nationality and that he cites Messrs. Constancio Ranario and Gaudioso Virtudazo, both of legal age, residents of Garcia-Hernandez, Bohol, and citizens of the Philippines, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on December 22, 1961.

Let this notice be published in the *Official Gazette* for three consecutive issues thereof and once a week for three consecutive weeks in the *Bohol Chronicle* and the *Nueva Era*, newspapers published in Tagbilaran, Bohol and in Manila, respectively, and of general circulation in the said province

of Bohol where the petitioner resides and also let this notice and the petition be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Hipolito Alo, Judge of this Court, at Tagbilaran, Bohol, this 11th day of April, 1961.

FILEMON B. E. ARIAS  
Clerk of Court

[17-19]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF BOHOL  
FOURTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 426.—*In the matter of the petition of SIMEON LIM to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Mr. Simeon Lim, Tagbilaran, Bohol; Atty. Sulpicio A. Tinampay, counsel for the petitioner, Tagbilaran, Bohol and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended has been presented to this Court of First Instance of Bohol by Simeon Lim, who alleges that he was born in Loay, Bohol, Philippines on the 4th day of January 1927; that he is actually a resident of Tagbilaran, Bohol, Philippines and is at present a citizen or subject of the Nationalist Republic of China under whose laws Filipinos may become naturalized citizens or subjects thereof; that he has resided continuously in the Philippines for a period of 34 years at least immediately preceding the date of this petition, to wit: since birth up to 1938 up to the present in the municipality of Loay, Bohol, Philippines and from 1938 up to the present in the municipality of Tagbilaran, Bohol, Philippines; that he is able to speak and write English and the Cebu-Visayan dialect which is one of the principal Philippine languages; that he is married to Cunegunda Dabalos, who was born in Antequera, Bohol, Philippines on the 3rd day of March 1925 and now resides with him in Tagbilaran, Bohol and has six children whose names and dates of births are as follows: (1) Teresita Lim, July 5, 1949; (2) Carmelita Lim, July 6, 1950; (3) Joseph Lim, January 22, 1952; (4) Inocencio Lim, January 4, 1954; (5) George Lim, April 23, 1956 and (6) Lucia Lim, December 13, 1958, all residing with him in Tagbilaran, Bohol; that he has enrolled his four (4) children, the other two being not of school age yet, in the following schools, (1) Teresita Lim and (2) Carmelita Lim, both in the public primary

school of Cogon, Tagbilaran, Bohol and (3) Joseph Lim and (4) Inocencio Lim, both in the St. Joseph College, Tagbilaran, Bohol; that the above-mentioned schools are duly recognized by the Republic of the Philippines and that said schools are teaching Philippine history, government and civics and that these schools are not established exclusively for the benefit of any particular race or creed; that he is a salesman-collector of the Bohol Times Auto Supply and receives a monthly salary of P200.00; that he is exempt from filing the declaration of intention to become a citizen of the Philippines he having been born in the Philippines and has received his primary and secondary education in schools recognized by the government of the Philippines and has enrolled his children in schools recognized by the government of the Philippines and that he cites Messrs. Francisco Baseleres and Vicente D. Bustrillos, both of legal ages, citizens of the Philippines and both residents of Tagbilaran, Bohol, as witnesses who he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on January 12, 1962, at 8:30 a.m.

Let this notice be published in the *Official Gazette* for three consecutive issues thereof and once a week for three consecutive weeks in the *Bohol Chronicle* and the *Nueva Era*, newspapers published in Tagbilaran, Bohol and in Manila, respectively, and of general circulation in the province of Bohol where the petitioner resides and also let this notice and the petition be posted in a public and conspicuous place in the Office of the Clerk of this Court.

Witness the Hon. Hipolito Alo, Judge of this Court, at Tagbilaran, Bohol, this 23rd day of March 1961.

FILEMON B. E. ARIAS  
Clerk of Court

[17-19]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF BOHOL  
FOURTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 370.—*Amended petition of BENJAMIN NG TAN to be admitted a citizen of the Philippines.*

AMENDED NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; Benjamin Ng Tan, Tagbilaran, Bohol; Atty. David B. Tirol, counsel for the petitioner, Tagbilaran, Bohol and to all whom it may concern:

Whereas, an amended petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended has been presented to this Court of First Instance of Bohol, by Benjamin Ng Tan *alias* Ben and Jamin, who alleges that he was born in Loboc, Bohol, Philippines on the 15th day of April 1931; that he is actually a resident of Tagbilaran, Bohol, Philippines and is at present a citizen or subject of the Nationalist Republic of China under whose laws Filipinos may become naturalized citizens or subjects thereof; that he has resided continuously in the Philippines for a period of 29 years at least immediately preceding the date of this petition, to wit: since birth up to 1945 in the municipality of Loboc, Bohol, Philippines and from 1945 up to the present in the municipality of Tagbilaran, Bohol, Philippines; that he is able to speak and write English and Visayan dialect which is one of the principal Philippine languages; that he is married to Loretta Ang who was born in Villalon, Leyte, Philippines and now resides with him in Tagbilaran, Bohol, Philippines and has two children, whose names and dates of births are as follows: Broderick Ang Tan, September 20, 1958 and Bradford Ang Tan, January 27, 1960, all residing with him in Tagbilaran, Bohol, both of whom are not yet of school age; that he is engaged as bookkeeper and assistant manager of the Henry Tan Corn and Rice Mill, from which he derives a yearly income of P3,900.00; that he is exempted from filing the declaration of intention to become a citizen of the Philippines he having been born in the Philippines and has received his primary and secondary education in schools recognized by the government of the Philippines and that he cites Messrs. Hilario Bruñidor and Honorato Indino, both of legal ages, citizens of the Philippines and residents of Tagbilaran, Bohol, Philippines, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on December 15, 1961, at 8:30 a.m.

Let this amended notice be published in the *Official Gazette* for three consecutive issues thereof and once a week for three consecutive weeks in the *Bohol Chronicle* and the *Nueva Era*, newspapers published in Tagbilaran, Bohol and in Manila, respectively, and of general circulation in the province of Bohol where the petitioner resides and also let this amended notice and the amended petition be posted in a public and conspicuous place in the Office of the Clerk of this Court.

Witness the Hon. Hipolito Alo, Judge of this Court, at Tagbilaran, Bohol, this 20th day of March 1961.

FILEMON B. E. ARIAS  
Clerk of Court

[17-19]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF CEBU  
FOURTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 634.—*In re: Petition for Philippine citizenship by Co CHI*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Atty. Jesus R. Gaboya, for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court by Co Chi, who alleges that he was born in Chinkang, China, on October 15, 1928, or that he emigrated to the Philippines from China, in 1947, and arrived at the airport of Manila on board an airplane; that his permanent place of residence is No. 357-B San Jose dela Montaña, Mabolo, Cebu City, Philippines; that his trade or profession is that of a merchant; that he is married to Chua Kun Hua, who was born in Hongkong, on May 15, 1934, with whom they have one child named Co Y. Sun *alias* Elson Co, who was born in Hongkong on January 26, 1959; that his wife and son now resides in Hongkong; that he is able to speak and write English and the Cebuano-Visayan languages; that he filed a declaration of intention to become a citizen of the Philippines with the Department of Justice, Manila; citing Messrs. Alejandro Baltazar, Melecio R. Cabantan and Jesus Sarmiento, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 18th day of November, 1961, at 8:30 a.m., and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *New Day (Bag-ong Adlaw)*, a newspaper of general circulation in the province and city of Cebu, where the petitioner resides, at his expense and that such petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Amador E. Gomez, Judge of the Court of First Instance of Cebu, this 13th day of March, 1961.

Attest:  
[17-19]

VICENTE A. MIRANDA  
Clerk of Court



REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF CEBU  
FOURTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 636.—*In re: Petition for Philippine citizenship by UY CHING HONG*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Atty. Vicente G. Balbuena for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court by Uy Chin Hong, who alleges that he was born in Cebu City, on February 2, 1938; that his present place of residence is No. 18 Plaridel Street, Cebu City; that his trade or profession is partner, International Bazaar, in which he has been engaged since January 1960; that he is single; that he is able to speak and write English and Cebu Visayan dialect; that he is entitled to the benefit of section 3, Commonwealth Act No. 473, for the reason that he was born in the Philippines; that he is exempt from filing any declaration of intention for the reason that he was born in the Philippines and have received his primary and secondary education in schools recognized by the government and not limited to any race or nationality; citing Messrs. Manuel N. Oyson Jr., Democrito U. Teves and Loreto N. Pono, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 18th day of November, 1961, at 8:30 a.m., and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *Morning Times*, a newspaper of general circulation in the province and city of Cebu where the petitioner resides, at his expense and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Jose M. Mendoza, Judge of the Court of First Instance of Cebu, this 13th day of March, 1961.

Attest:  
[17-19]

VICENTE A. MIRANDA  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF CEBU  
FOURTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 637.—*In re: Petition for Philippine citizenship by LIM CHUA SAN*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Atty. Cesar A. Kintanar for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court by Lim Chua San, who alleges that he was born in Ang Pang, Amoy, China, on January 1st, 1932 or that he emigrated to the Philippines from Amoy, China on August 20, 1937, and arrived at the port of Manila, on the vessel *Anking*; that his present place of residence is No. 126-D. Jakosalem Street, Cebu City, Philippines; that his trade or profession is that of a salesman, in which he has been engaged since 1950; that he is married to Paciencia Chiu Yu, born in Bislig, Surigao, Philippines; that he has the following children: 1. Mary Jane Lim, June 4, 1958, Cebu City; 2. Marlene Chua Lim, June 24, 1960, Cebu City; both his wife and children now resides with him at 126-D. Jakosalem Street, Cebu City, Philippines; that he is able to speak and write English and Cebu Visayan; citing Messrs. Tiburcio Padilla and Luciano Atillo, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 24th day of November, 1961, at 8:30 a.m., and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *La Prensa*, a newspaper of general circulation in the province and city of Cebu where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Modesto R. Ramolete, Judge of the Court of First Instance of Cebu, this 16th day of March, 1961.

Attest:  
[17-19]

VICENTE A. MIRANDA  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF CEBU  
FOURTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 638.—*In re: Petition for Philippine citizenship by LIM CE alias ONG KOC TIN.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Atty. Antonio Abad Tormis, for the petitioner and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court by Lim Ce alias Ong Koc Tin, who alleges that he was born in Chinkang, China, on June 30, 1925 or that he emigrated to the Philippines from Chinkang, China, on May 12th, 1933, and arrived at the port of Manila on the vessel

unknown; that he is at present residing at No. 122 Carmelo Street, Cebu City, Philippines; that his trade or profession is that of businessman, in which he has been engaged since 1953; that he is married to Uy Siu Que, who was born in Chinkang, China and now resides with him at 122 Carmelo Street, Cebu City, Philippines; that they have no children; that he is able to speak and write English and Cebu-Visayan dialect; that he filed with the Solicitor General, Manila, a declaration of intention on January 25, 1960; citing Messrs. Victorino Reynes and Toribio de la Cerna, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 18th day of November, 1961, at 8:30 a.m., and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *La Prensa*, a newspaper of general circulation in the province and city of Cebu where the petitioner resides, at this expense and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Jose S. Rodriguez, Judge of the Court of First Instance of Cebu, this 16th day of March, 1961.

Attest:  
[17-19]

VICENTE A. MIRANDA  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF CEBU  
FOURTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 639.—*In re: Petition for Philippine citizenship by PUE TIOK ROJAS*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Atty. Nicolas Jumapao for the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court by PUE TioK Rojas, who alleges that he was born in Lamoa, China, on January 28, 1928; that he emigrated to the Philippines from Amoy, China, arriving at the Port of Cebu on July 17, 1938, on board the *S/S Tjinegara*; that he is at present residing at 90-92 Plaridel Street, Cebu City, Philippines; that his trade or profession is that of an employee of Kin Seng Commercial, situated at Plaridel Street, Cebu City, Philippines; that he is single; that he is able to speak and write English, Chinese and the Cebu Visayan dialect; that on December 8, 1959, he filed with the Department of Justice, Manila, a declaration of intention to become a Filipino citizen; citing Messrs. Jose B. Delfin, Pio

Estorba and Mrs. Ramona U. Agustines, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition;

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 18th day of November, 1961, at 8:30 a.m., and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *La Prensa*, a newspaper of general circulation in the province and city of Cebu where the petitioner resides, at his expense, and that such petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Clementino V. Diez, Judge of the Court of First Instance of Cebu, this 20th day of March, 1961.

Attest:  
[17-19]

VICENTE A. MIRANDA  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF DAVAO  
SIXTEENTH JUDICIAL DISTRICT  
BRANCH III

NATURALIZATION CASE No. 198.—*In re: Petition for naturalization, NGO UY, petitioner*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to the petitioner, Ngo Uy, of 199 Monteverde Avenue, Davao City, through counsel Atty. Rafael A. Lim, and to all whom it may concern:

Whereas, a petition for Philippine citizenship, pursuant to Commonwealth Act No. 473, as amended, has been presented in this Court by Ngo Uy, who alleges that his present place of residence is at 199 Monteverde Avenue, Davao City, Philippines and his former places of residence were at Uyan-guren Street and at Matina, Davao City; that he resided in Davao City, Philippines, continuously for a term of more than one year immediately preceding the filing of his petition and has resided continuously in Davao City, since 1921; that he is a businessman and has an annual income of from P20,000.00 to P40,000.00; that he was born on July 16, 1905, at Amoy, Fukien, China, and is at present a citizen of the Republic of China under whose laws Filipinos may become naturalized citizens thereof; that he immigrated to the Philippines, from China, on board the *S/S Susana* sometimes in June, 1921, and arrived at the port of Manila on June 11, 1921; that he is married to Co Tiam, who was born at Co Chu, Chinkang, Fukien, China, on July 17, 1911, and she came to the Philippines on a certain boat arriving at the port of Manila, sometime in 1937; that the petitioner and his aforesaid wife are the

parents of nine children who are presently residing with them at 199 Monteverde Avenue, Davao City, and their names, dates and places of birth are as follows: Ngo Tiong Chong, Ngo Chu, Foo-kien, China, January 23, 1927; Ngo Siok Hian, Davao City, Philippines, June 2, 1938; Petra Ngo Siok, Davao City, Philippines, October 23, 1939; Ngo Tiong Chuan, Davao City, Philippines, December 21, 1940; Ngo Tiong Kang, Kapalong, Davao, Philippines, February 20, 1942; Ngo Tiong Tam, Kapalong, Davao, Philippines, February 29, 1944; Ngo Ching Bee, Davao City, Philippines, July 29, 1946; Ngo Tiong Kaw, Davao City, Philippines, June 2, 1948; and Ngo Po Chu, Davao City, Philippines, October 22, 1949; that Ngo Tiong Chong, Ngo Siok Hian, Petra Ngo Siok Kheng, Ngo Tiong Chuan and Ngo Tiong Kang, have already finished their primary, elementary and secondary education, while Ngo Tiong Tam and Ngo Ching Bee, have finished their primary and elementary education and Ngo Tiong Kaw and Ngo Po Chu, had likewise finished their primary education all in school duly recognized by the Philippine government where Philippine history, civics and government are taught and admission therein is not limited to any race or nationality; that he is exempted from filing his declaration of intention because he has resided in the Philippines continuously for a period of more than 39 years; that he can speak and write Spanish, and Tagalog languages and Visayan dialect; and he cites Congressman Gabino R. Sepulveda, Dr. Juan Belisario and Mr. Vicente Guino-o, all citizens of the Philippines and residents of the City of Davao to appear and testify as his character witnesses at the hearing of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 18th day of November, 1961, at 8:30 a.m.

Let this notice be published at the expense of the petitioner in the *Official Gazette*, for three consecutive issues hereof, and once a week for three consecutive weeks, in the *Mindanao Mirror*, a newspaper of general circulation in the city and province of Davao where the herein petitioner resides and let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of this Court.

Witness the Hon. Honorio Romero, Judge of the Court of First Instance of Davao, Branch III, this 22nd day of February, 1961.

ERIBERTO A. UNSON

Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF DAVAO  
SIXTEENTH JUDICIAL DISTRICT  
BRANCH II

NATURALIZATION CASE No. 208.—*In re: Petition for naturalization MARIANO DU alias MARIANO Uy, petitioner.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to the petitioner, Mariano Du *alias* Mariano Uy, of 196 Bruno Gompesaw Street, Davao City, Philippines, through counsel Atty. Rafael A. Lim, Atty. Garcilaso F. Vega and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended, has been presented in this Court, by Mariano Du *alias* Mariano Uy, who alleges that he is at present employed at Wee Kun Coprax Industry and Company Inc., with a monthly salary of P200.00; that he was born at Talomo, Davao City, Philippines, on November 23, 1937; he is a citizen of the Republic of China, under whose laws Filipinos may become naturalized citizens thereof; that he is single, and continuously resided in the Philippines since birth and in and within the city and province of Davao since 1937; that he was born in the Philippines and had finished his primary and elementary education as well as his secondary education at a private school which is duly recognized by the Bureau of Private Education, where Philippine history, civics and government are taught, and admission to said school is not limited to any race or nationality; that he can speak and write English, Tagalog and the Cebu-Visayan dialects; that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted Government as well as with the community in which he is living; that he has mingled socially with the Filipinos; and has evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos; that he has all the qualifications required under section 2, and none of the disqualifications under section 4, of Commonwealth Act No. 473; that he is not opposed to organized government; that he is not defending or teaching the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas; that he is not a polygamist nor a believer in the practice of polygamy; that he has not been convicted of any crime involving moral turpitude; that he is not suffering from any incurable contagious disease or mental alienation; that it is his intention in good faith to become a citizen



of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty and particularly to the Republic of China of which at this time he is a citizen; that he will reside continuously in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship; that he has not filed any petition for citizenship in any court; and he cites Messrs. Jesus Arnado and Artemio Mojica, both of legal age, Filipino citizens and residence of Sulop and Malalag, province of Davao, respectively to appear and testify as his character witnesses at the hearing of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 28th day of December, 1961, at 8:30 a.m.

Let this notice be published at the expense of the petitioner in the *Official Gazette*, for three consecutive issues hereof, and once a week for three consecutive weeks, in the *Mindanao Mail*, a newspaper of general circulation in the city and province of Davao where the herein petitioner resides and let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Macapanton Abbas, Judge of the Court of First Instance, Branch II, this 8th day of March, 1961.

ERIBERTO A. UNSON  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF LANA DEL NORTE  
FIFTEENTH JUDICIAL DISTRICT  
CITY OF ILIGAN

NATURALIZATION CASE No. 433.—*In re: Petition for Philippine citizenship by CARLOS DY*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila and to Mr. Carlos Dy, Iligan City, the petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Lanao del Norte, by Carlos Dy, who alleges that he was born in Cebu City on November 4, 1939; that presently he is a resident of Iligan City; that his former address was Cebu City; that he has been continuously residing in the Philippines, since his birth on November 4, 1939 and had not gone abroad except on April 19, 1956 when he went for a pleasure and educational trip to Taipeh and return to the Philippines on June 6, 1956; that his trade or profession is that of a purchasing

representative of Chen Liong Trading and Bing's Copra Trading, since June, 1960 and from which he derives an average annual income of ₱3,600.00; that he is single; that he is able to speak and write English and Visayan dialect; that he does not own a real property in the Philippines; that he is entitled to the benefit of section 3 and 6 of Commonwealth Act No. 473 as amended (which reduces to five years the ten years of continuous residence required by paragraph two of section 2 of said Act) for the following reasons: Having been born in the Philippines and having received his primary, intermediate and secondary education in the schools recognized by the government and not limited to any race or nation or nationality; that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in relation with the constituted government as well as with the community in which he is living; that he has mingled socially with the Filipinos, and have evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos; that he has all the qualifications required under section 2, and none of the disqualifications under section 4 of Commonwealth Act No. 473 as amended; that he is not opposed to organized government or affiliated with any association or group of persons, who uphold and teach doctrines opposing all organized government; that he is not depending or teaching the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas; that he is not a polygamist nor a believer in the practice of polygamy; that he has not been convicted of any crime involving moral turpitude; that he is not suffering from any incurable contagious diseases; that the nation of which he is a citizen or subject is not at war with the Philippines; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, states or sovereignty, and particularly to the Republic of China of which at this time he is a citizen or subject; that he reside in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship; that he has not heretofore made petition for citizenship in any court; that he is entitled to the benefit of Commonwealth Act No. 535 (which exempt any person born in the Philippines or has resided thereat for the period of thirty years from the filing of the declaration of intention) for the following reasons: Being born in the Philippines; citing Mr. Pacificador Lluch and Mr. Luis Llauder, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court, on the 29th day of November, 1961 at 8:00 o'clock in the morning and

It is hereby ordered that this notice be published at the expense of the petitioner in the *Official Gazette* once a week for three consecutive weeks and in the *Lanao Mail*, a newspaper of general circulation in the Philippines, province of Lanao del Norte and Iligan City where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of this Court.

Witness the Hon. Manuel Estipona, Judge of the Court of First Instance of Lanao del Norte, this 23rd day of March, in the year nineteen hundred and sixty one.

Attest:  
[17-19]

JESUS G. ARBOLEDA  
Deputy Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH V

CASE No. 46751.—*In the matter of the petition of TAN HOK to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to Messrs. Castillo, Wabe and Associates, Attorneys for the petitioner, 417 Bank of P. I. Building, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Tan Hok, who alleges that he is a resident of No. 521 Juan Luna, Manila; that he was born on December 10, 1933 in Chingkian Province, Fookien, China, that he is presently the manager of the Paramount Press, located at 521 Juan Luna, Manila, in which he has been employed since 1956 and from which he derives an average annual income of P5,000.00; that he is single; that he emigrated to the Philippines from Amoy, China, on or about October 27, 1934 and arrived at the port of Manila on the vessel *Angking*; that he has resided continuously in the Philippines for a term of twenty six years and in the City of Manila for a term of one year at least, immediately preceding the date of the petition; that he is able to speak and write English and Tagalog; that he cites Messrs. Jose M. Silva, Prudencio Tongol and Felizardo Adrias, as witnesses whom he proposes to introduce in support of his petition; and that attached to the petition is a copy of his declaration of intention to become a citizen of the Philippines.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 18th day of December, 1961, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks in the *Manila Chronicle*, a newspaper of general circulation in the City of Manila, where the petitioner resides and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Juan L. Bocar, Judge of the Court of First Instance of Manila, this 13th day of April, in the year nineteen hundred and sixty one.

Attest:  
[17-19]

MACARIO M. OFILADA  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MARINDUQUE  
ELEVENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 20.—*In the matter of the petition of TAN LIAN CHU alias FRANCISCO TAN, to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila and to Mr. Tan Lian Chu *alias* Francisco Tan, Sta. Cruz, Marinduque, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Tan Lian Chu *alias* Francisco Tan, who alleges that he is a resident of Sta. Cruz, Marinduque; that he was born on September 20, 1914, in Amoy, China; that his trade or profession is a sales representative of Delos Reyes Enterprises, Sta. Cruz, Laguna, and that he is receiving a salary of P6,000.00 a year; that he is married; that his wife's name is Ko Poa Tan, who was born in Amoy, China, on January 5, 1916; and that he has children begotten with his wife and the name, date and place of birth are as follows: 1. Teodora Ko Tan, May 19, 1934, Sta. Cruz, Marinduque; 2. Luis Ko Tan, August 25, 1936, Sta. Cruz, Marinduque; 3. Jacinto Ko Tan, January 30, 1939, Sta. Cruz, Marinduque; 4. Henry Ko Tan, July 5, 1941, Sta. Cruz, Marinduque; 5. Venancio Ko Tan, April 11, 1944, Sta. Cruz, Marinduque; 6. Elizabeth Ko Tan, November 23, 1946, Sta. Cruz, Marinduque; 7. Roberto Ko Tan, April 1, 1949, Sta. Cruz, Marinduque; and 8. Aida Ko Tan, April 1, 1952, Sta. Cruz, Marinduque; of which he enrolled his children in the Far Eastern University; Mapua Institute of Technology; Malindig Institute, Sta. Cruz, Marin-

duque; Philippine Chinese High School, Manila; and Chinese Republic School, Manila; and that before his child Teodora Ko Tan, married she studied at the Sta. Cruz Elementary School, Sta. Cruz, Marinduque; that he emigrated to the Philippines from Amoy, China, on or about the year 1919 and arrived at the port of Manila, Philippines, on same year, on the vessel *S/S Susana*, wherein he stayed a few days at San Fernando Street, Binondo, Manila, and thereafter proceeded to Sta. Cruz, Marinduque; that he has resided continuously in the Philippines for a period of 42 years, except for one time in the year 1933 wherein he went to China to visit his relatives; that he is able to speak and write English and Tagalog; that he is exempted from filing a declaration of intention, for having resided continuously in the Philippines for more than thirty years; and that he cites Messrs. Felipe Portola and Cesar Lumawig both residing at Sta. Cruz, Marinduque, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court, on the 18th day of December, 1961, at 8:00 o'clock in the morning.

Let this notice be published at the request and expenses of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Nueva Era*, a newspaper published in the City of Manila and of general circulation in this province, and three copies of this notice of hearing of petition for Philippine citizenship be posted in three public and conspicuous places in Sta. Cruz, Marinduque, where the petitioner resides. Likewise, let the said notice of hearing of petition for Philippine citizenship and a copy of the petition be posted in a public and conspicuous place in the bulletin board of this Court or in the Office of the Clerk of Court.

Witness the Hon. Juan de Borja, Judge of this Court of First Instance of Marinduque, this 9th day of March, 1961.

JOSE M. MAGARARU  
Clerk of Court

[17-19]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MISAMIS OCCIDENTAL  
SIXTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 99.—*In the matter of the petition for admission to Philippine citizenship.* JOSE TOO TEE, petitioner.

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila, Mr. Jose Too Tee, Jimenez, Misamis Occidental, and to all whom it may concern:

Whereas, a verified petition for Philippine citizenship, pursuant to Commonwealth Act No. 473, was presented in this Court by Jose Too Tee, who alleges that he was born on March 17, 1918 in Amoy, China; that he emigrated to the Philippines from Amoy, China, and arrived at the port of Cebu on September 3, 1930, on the vessel *An King*; that his trade or profession is businessman from which he derives an average annual income of P11,000.00; that he is a citizen or subject of the Nationalist China under whose laws Filipinos may become naturalized citizens or subjects thereof; that he is married to Maxima Lao Tan, of Jimenez, Misamis Occidental, where they both reside as their place of residence with their ten children born to them in the said municipality, namely: Andres Tan Tee, Victorio Tan Tee, Elena Tan Tee, Mateo Tee, Engracia Tee, Eme-lina Tee, Hian Chay Tee, Hian To Tee, Ben Tin Tee and Ben Chay Tee, born on September 23, 1943, September 29, 1945, July 22, 1947, September 21, 1948, January 15, 1950, August 10, 1952, February 11, 1953, August 28, 1954, October 23, 1956 and December 10, 1958, respectively; that all of the said children are enrolled in Ozamiz Chinese School, except Ben Tin Tee and Ben Chay Tee, who are still not of school age; that he has resided continuously in the Philippines for a term of 31 years, at least immediately preceding the date of his petition, to wit, since September 3, 1930, and in the municipality of Jimenez for a term of one year, at least immediately preceding the date of his petition, to wit, since 1930; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, estate or sovereignty, and particularly to the Nationalist China of which at this time he is a citizen or subject; that he will reside continuously in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship, and that he is able to speak and write English and the Visayan dialect, citing Bonifacio C. Mutia and Doming Jacob, both of legal age, Filipino citizens and residents of the municipality of Jimenez, Misamis Occidental, whom the petitioner proposes to introduce as his witnesses in support of his petition.

Therefore, you are hereby given notice that the said petition will be heard before this Court at the Capitol Building in Oroquieta, Misamis Occidental, on December 20, 1961 at 8:30 a.m.

Let this notice be published in the *Official Gazette* for the next three consecutive issues and in the *Nueva Era*, a newspaper edited in Manila of general circulation in the province of Misamis Occidental where the petition resides once a week for three consecutive weeks and also let this notice and the petition be posted in a public and con-